UNITED STATES
STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
NINETY-SIXTH CONGRESS
OF THE UNITED STATES OF AMERICA

1979

AND

REORGANIZATION PLANS
AND PROCLAMATIONS

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96–170	*Civil rights in the District of Columbia, suits for violation, permit.* AN ACT To permit civil suits under section 1979 of the Revised Statutes (42 U.S.C. 1983) against any person acting under color of any law or custom of the District of Columbia who subjects any person within the jurisdiction of the District of Columbia to the deprivation of any right, privilege, or immunity secured by the Constitution and laws	Dec. 29, 1979	1284
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PUBLIC LAWS

ENACTED DURING THE

FIRST SESSION OF THE NINETY-SIXTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Monday, January 15, 1979; the Senate adjourned sine die on Friday, December 21, 1979, and the House of Representatives adjourned sine die on Thursday, January 3, 1980. JIMMY CARTER, *President;* WALTER F. MONDALE, *Vice President;* THOMAS P. O'NEILL, JR., *Speaker of the House of Representatives.*

59-194 O - 81 --- 3 : QL3

Public Law 96-1
96th Congress

Joint Resolution

To extend the time for filing the Economic Report.

Jan. 22, 1979
[H.J. Res. 1]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 95-594 is amended by striking out "January 22, 1979" the second time it appears in section 2, and inserting in lieu thereof "January 29, 1979".

Economic Report, time extension.
92 Stat. 2540.

Approved January 22, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Jan. 15, considered and passed House.
Jan. 18, considered and passed Senate.

Public Law 96-2
96th Congress

An Act

Mar. 7, 1979
[H.R. 1902]

To amend the Bank Holding Company Act Amendments of 1970.

Carson City silver dollars, sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 205(a) of the Bank Holding Company Act Amendments of 1970 (84 Stat. 1769; 31 U.S.C. 317e note) is amended by deleting the second sentence thereof and substituting the following: "The Administrator is authorized to sell such coins as may remain by negotiations at such prices, including fixed prices, in such manner, and upon such terms and conditions as may be deemed proper by the Administrator.".**

Effective date. 31 USC 317e note.

Sec. 2. The amendment made by the first section of this Act shall take effect upon the date of its enactment.

Approved March 7, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Feb. 13, considered and passed House.
Feb. 26, considered and passed Senate.

Public Law 96-3
96th Congress

An Act

To repeal a section of Public Law 95-630.

Mar. 7, 1979
[S. 37]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 1104(d) of Public Law 95-630 is repealed.**

92 Stat. 3698.
12 USC 3404.

Approved March 7, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-5 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Feb. 9, considered and passed Senate.
Feb. 27, considered and passed House.

Public Law 96-4
96th Congress

An Act

Mar. 30, 1979
[H.R. 2301]

To amend the Federal District Court Organization Act of 1978 with respect to certain administrative matters arising from the redrawing of the Federal judicial districts in the State of Illinois.

Federal District Court Organization Act of 1978, amendment.
28 USC 133.
28 USC 93 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Federal District Court Organization Act of 1978 (92 Stat. 883) is amended by striking out paragraph (2) of subsection (b) and inserting in lieu thereof the following:

"(2) The district judge for the Eastern District of Illinois in office on the effective date of this Act who is senior in commission shall, on and after the effective date of this Act, be a district judge for the Southern District of Illinois. The remaining district judge for the Eastern District of Illinois who is in office on the effective date of this Act and the district judges for the Southern District of Illinois who are in office on the effective date of this Act shall, on and after the effective date of this Act, be district judges for the Central District of Illinois. The President shall appoint, by and with the advice and consent of the Senate, a second district judge for the Southern District of Illinois.

"(3) This section does not in any manner affect the tenure of the United States attorney, the assistant United States attorneys, or the United States marshal for the Eastern District of Illinois or for the Southern District of Illinois who are in office on the effective date of this Act. The United States attorney, the assistant United States attorneys, and the United States marshal for the Eastern District and for the Southern District of Illinois shall, on the effective date of this Act, become the United States attorney, the assistant United States attorneys, and the United States marshal for the Southern District and for the Central District of Illinois, respectively.

"(4) Notwithstanding section 3240 of title 18, United States Code, any grand jury impaneled on or after the effective date of this Act by a district court for the Central District or the Southern District of Illinois may inquire into and return indictments charging offenses against the criminal laws of the United States alleged to have been committed anywhere within the territory of the respective judicial districts as such districts were constituted before or after the effective date of this Act.".

SEC. 2. Section 6 of the Act entitled "An Act to amend title 28 of the United States Code to make certain changes in the divisions within judicial districts and in the places of holding court, and to require the Director of the Administrative Office of the United States Courts to conduct a study of the judicial business of the Central District of California and the Eastern District of New York", approved November 2, 1978 (92 Stat. 2458), is amended by inserting "(1)" immediately after "(b)" and adding at the end thereof the following new paragraph: 28 USC 93 note.

"(2) The provisions of the first section of this Act shall take effect on March 31, 1979.". Effective date.

Approved March 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-55 (Comm. on the Judiciary).
SENATE REPORT No. 96-34 accompanying S. 443 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Mar. 22, considered and passed House; considered and passed Senate, in lieu of S. 443.

Public Law 96-5
96th Congress

An Act

Apr. 2, 1979
[H.R. 2534]

To provide for a temporary increase in the public debt limit, and for other purposes.

Public debt limit.
Temporary increase.
31 USC 757b note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the period beginning on the date of the enactment of this Act and ending on September 30, 1979, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $430,000,000,000.

Repeal; effective date.
31 USC 757b note.

Sec. 2. Effective on the date of the enactment of this Act, the first section of the Act of August 3, 1978, entitled "An Act to provide for a temporary increase in the public debt limit" (Public Law 95-333), is hereby repealed.

Sec. 3. The last sentence of the second paragraph of the first section of the Second Liberty Bond Act (31 U.S.C. 752) is amended by striking out "$32,000,000,000" and inserting in lieu thereof "$40,000,000,000".

United States savings bonds, rate increase, limitation.

Sec. 4. With respect to interest accrual periods beginning after the date of the enactment of this Act, paragraph (3) of section 22(b) of the Second Liberty Bond Act (31 U.S.C. 757c) is amended to read as follows:

"(3) The Secretary of the Treasury, with the approval of the President, may increase the investment yield on any United States savings bonds above the 5½ per centum limitation contained in paragraph (1) so long as such yield does not exceed 7 per centum per annum compounded semiannually.".

Report.
31 USC 1322 note.

Sec. 5. Congress shall balance the Federal budget. Pursuant to this mandate, the Budget Committees shall report, by April 15, 1979, a fiscal year budget for 1981 that shall be in balance, and also a fiscal year budget for 1982 that shall be in balance, and by April 15, 1980, a fiscal year budget for 1981 that shall be in balance, and by April 15, 1981, a fiscal year budget for 1982 that shall be in balance; and the Budget Committees shall show the consequences of each budget on each budget function and on the economy, setting forth the effects on revenues, spending, employment, inflation, and national security.

Presidential alternate proposals to Congress.
31 USC 11 note.
31 USC 11.

Sec. 6. (a) If a budget which is transmitted by the President to the Congress under section 201 of the Budget and Accounting Act, 1921, would, if adopted, result in a deficit in fiscal year 1981 or in fiscal year 1982, the President shall also transmit alternate budget proposals which, if adopted, would not result in a deficit.

(b) Such alternate budget proposals shall be transmitted with the budget and, except as provided in subsection (c), shall be in such detail as the President determines necessary to carry out the purposes of this section.

(c) Alternate budget proposals for a fiscal year transmitted under subsection (a) shall include a clear and understandable explanation of specific differences between the budget and alternate budget proposals.

Approved April 2, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-31 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Mar. 15, considered and passed House.
  Mar. 21, 22, 26, 27, considered and passed Senate, amended.
  Mar. 28, Apr. 2, House concurred in Senate amendment.

Public Law 96-6
96th Congress

An Act

Apr. 3, 1979
[H.R. 1147]

To extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties.

Secretary of the Treasury. Countervailing duties, waiver, extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(d) of the Tariff Act of 1930 (19 U.S.C. 1303(d)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) The four-year period referred to in paragraph (2) is extended from January 2, 1979, until whichever of the following dates first occurs:

"(i) The date on which either House of Congress defeats on a vote of final passage, in accordance with the provisions of section 151 of the Trade Act of 1974, implementing legislation with respect to a multilateral trade agreement or agreements governing the use of subsidies.

"(ii) The date of the enactment of such implementing legislation.

"(iii) September 30, 1979.

"(B) Any determination made under this subsection by the Secretary that was in effect on January 2, 1979, shall remain in effect, until whichever of the following dates first occurs:

"(i) The date to which the four-year period is extended under subparagraph (A), notwithstanding any provision to the contrary in any such determination.

"(ii) The date such determination is revoked under paragraph (3).

"(iii) The date of adoption of a resolution of disapproval of such determination under subsection (e)(2).".

Effective date. 19 USC 1303 note.

SEC. 2. The amendment made by the first section of this Act shall take effect January 3, 1979.

Approved April 3, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-15 (Comm. on Ways and Means).
SENATE REPORT No. 96-45 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Mar. 1, considered and passed House.
  Mar. 28, considered and passed Senate.

Public Law 96-7
96th Congress

An Act

To rescind certain budget authority contained in the message of the President of January 31, 1979 (H. Doc. 96-46), transmitted pursuant to the Impoundment Control Act of 1974.

Apr. 9, 1979
[H.R. 2439]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority proposed in the message of the President of January 31, 1979 (H. Doc. 96-46), are made pursuant to the Impoundment Control Act of 1974, namely:

Budget authority, rescission.

31 USC 1400 note.

CHAPTER I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

Appropriations and contract authority provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1976, for interest grant payments pursuant to section 802(c)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 1440) are rescinded.

89 Stat. 581.

NEW COMMUNITY ASSISTANCE GRANTS

Any amounts not administratively committed from appropriations provided for grants, as authorized by section 412 of the Housing and Urban Development Act of 1968, as amended (42 U.S.C. 3911) and sections 718 and 720 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4519, 42 U.S.C. 4521), are rescinded.

CHAPTER II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $37,000,000 are rescinded.

92 Stat. 1572.

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

92 Stat. 1574. 92 Stat. 1603. Of the funds provided for "Health Resources" for fiscal year 1979 in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, and in Public Law 95-482, $46,350,000 are rescinded.

OFFICE OF EDUCATION

SPECIAL PROJECTS AND TRAINING

92 Stat. 1579. Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $12,500,000 are rescinded.

CHAPTER III

FOREIGN CLAIMS SETTLEMENT COMMISSION

PAYMENT OF VIETNAM AND U.S.S. PUEBLO PRISONER OF WAR CLAIMS

87 Stat. 114. Of the funds appropriated under this head in Public Law 93-50, $8,000,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

92 Stat. 1043. Of the funds appropriated under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, $6,065,000 are rescinded.

CHAPTER IV

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES

HELIUM FUND

75 Stat. 246. Of the borrowing authority provided in the Department of the Interior and Related Agencies Appropriation Act, 1962, Public Law 87-122, $3,127,000 are rescinded.

CHAPTER V

National Aeronautics and Space Administration

RESEARCH AND PROGRAM MANAGEMENT

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1979, $2,400,000 are rescinded. 92 Stat. 798.

Approved April 9, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-25 (Comm. on Appropriations) and No. 96-59 (Comm. of Conference).
SENATE REPORT No. 96-33 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Mar. 6, considered and passed House.
Mar. 14, considered and passed Senate, amended.
Mar. 27, House and Senate agreed to conference report.

Public Law 96-8
96th Congress

An Act

Apr. 10, 1979
[H.R. 2479]

To help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan, and for other purposes.

Taiwan Relations Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

22 USC 3301 note.

SECTION 1. This Act may be cited as the "Taiwan Relations Act".

FINDINGS AND DECLARATION OF POLICY

22 USC 3301.

SEC. 2. (a) The President having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this Act is necessary—

(1) to help maintain peace, security, and stability in the Western Pacific; and

(2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.

(b) It is the policy of the United States—

(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;

(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

(3) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

(5) to provide Taiwan with arms of a defensive character; and

(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(c) Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

IMPLEMENTATION OF UNITED STATES POLICY WITH REGARD TO TAIWAN

U.S. defense articles and services, availability to Taiwan.
22 USC 3302.

SEC. 3. (a) In furtherance of the policy set forth in section 2 of this Act, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

Defense review.

(b) The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.

Security threat to Taiwan, Presidential report to Congress.

(c) The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

APPLICATION OF LAWS; INTERNATIONAL AGREEMENTS

22 USC 3303.

SEC. 4. (a) The absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to Taiwan, and the laws of the United States shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.

(b) The application of subsection (a) of this section shall include, but shall not be limited to, the following:

(1) Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.

(2) Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 6 of this Act, such programs, transactions, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.

(3)(A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but not limited to those involving contracts, debts, or property interests of any kind) under the laws of the United States heretofore or hereafter acquired by or with respect to Taiwan.

(B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People's Republic of China shall not affect in any way the ownership of or other rights or interests in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the governing authorities on Taiwan.

(4) Whenever the application of the laws of the United States depends upon the law that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

42 USC 2011 note.
22 USC 3201 note.

(5) Nothing in this Act, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or department to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 and the Nuclear Non-Proliferation Act of 1978, to deny an export license application or to revoke an existing export license for nuclear exports to Taiwan.

8 USC 1152.

(6) For purposes of the Immigration and Nationality Act, Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act.

(7) The capacity of Taiwan to sue and be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.

(8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.

Treaties and other international agreements, congressional approval.

(c) For all purposes, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between them on December 31, 1978, unless and until terminated in accordance with law.

(d) Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Investment projects, insurance, reinsurance, loans or guaranties.
22 USC 3304.
22 USC 2191.

SEC. 5. (a) During the three-year period beginning on the date of enactment of this Act, the $1,000 per capita income restriction in clause (2) of the second undesignated paragraph of section 231 of the Foreign Assistance Act of 1961 shall not restrict the activities of the Overseas Private Investment Corporation in determining whether to provide any insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan.

(b) Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan, the Overseas Private Insurance Corporation shall apply the same criteria as those applicable in other parts of the world.

THE AMERICAN INSTITUTE OF TAIWAN

SEC. 6. (a) Programs, transactions, and other relations conducted or carried out by the President or any agency of the United States Government with respect to Taiwan shall, in the manner and to the extent directed by the President, be conducted and carried out by or through— 22 USC 3305.

(1) The American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia, or

(2) such comparable successor nongovermental entity as the President may designate,

(hereafter in this Act referred to as the "Institute").

(b) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to enter into, perform, enforce, or have in force an agreement or transaction relative to Taiwan, such agreement or transaction shall be entered into, performed, and enforced, in the manner and to the extent directed by the President, by or through the Institute.

(c) To the extent that any law, rule, regulation, or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Institute is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Institute pursuant to this Act, such law, rule, regulation, or ordinance shall be deemed to be preempted by this Act.

SERVICES BY THE INSTITUTE TO UNITED STATES CITIZENS ON TAIWAN

SEC. 7. (a) The Institute may authorize any of its employees on Taiwan— 22 USC 3306.

(1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) To act as provisional conservator of the personal estates of deceased United States citizens; and

(3) to assist and protect the interests of United States persons by performing other acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.

(b) Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.

TAX EXEMPT STATUS OF THE INSTITUTE

SEC. 8. (a) The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 11(a)(3) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contributions Act) or by any State or local taxing authority of the United States. 22 USC 3307. 26 USC 3101 *et seq.*

(b) For purposes of the Internal Revenue Code of 1954, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a), and 2522(b). 26 USC 170, 2055, 2106, 2522.

FURNISHING PROPERTY AND SERVICES TO AND OBTAINING SERVICES FROM THE INSTITUTE

22 USC 3308.

SEC. 9. (a) Any agency of the United States Government is authorized to sell, loan, or lease property (including interests therein) to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to agencies under this subsection shall be credited to the current applicable appropriation of the agency concerned.

(b) Any agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such agencies from the Institute may be effected without regard to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order.

(c) Any agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the books and records of the Institute and the opportunity to audit the operations of the Institute.

TAIWAN INSTRUMENTALITY

22 USC 3309.

SEC. 10. (a) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to render or provide to or to receive or accept from Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or provided to, or received or accepted from, an instrumentality established by Taiwan which the President determines has the necessary authority under the laws applied by the people on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with this Act.

(b) The President is requested to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the governing authorities on Taiwan recognized as the Republic of China prior to January 1, 1979.

(c) Upon the granting by Taiwan of comparable privileges and immunities with repect to the Institute and its appropriate personnel, the President is authorized to extend with respect to the Taiwan instrumentality and its appropriate personnel, such privileges and immunities (subject to appropriate conditions and obligations) as may be necessary for the effective performance of their functions.

SEPARATION OF GOVERNMENT PERSONNEL FOR EMPLOYMENT WITH THE INSTITUTE

22 USC 3310.

SEC. 11. (a)(1) Under such terms and conditions as the President may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts employment with the Institute.

(2) An officer or employee separated by an agency under paragraph (1) of this subsection for employment with the Institute shall be

entitled upon termination of such employment to reemployment or reinstatement with such agency (or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits with the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

Reemployment or reinstatement rights.

(3) An officer or employee entitled to reemployment or reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the Institute with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was participating prior to employment by the Institute, including programs for compensation for job-related death, injury, or illness; programs for health and life insurance; programs for annual, sick, and other statutory leave; and programs for retirement under any system established by the laws of the United States; except that employment with the Institute shall be the basis for participation in such programs only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

Officer or employee previously employed by U.S., benefits.

(4) Any officer or employee of an agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this section for the period of such service.

Alien personnel employed by U.S., transfer.

(b) Any agency of the United States Government employing alien personnel on Taiwan may transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by the laws of the United States for the retirement of employees in which the alien was participating prior to the transfer to the Institute, except that employment with the Institute shall be creditable for retirement purposes only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.

(c) Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code.

(d)(1) For purposes of sections 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of such Code.

26 USC 911, 913.

26 USC 912.

(2) Except to the extent required by subsection (a)(3) of this section, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

26 USC 3101 *et seq.*
42 USC 401.

REPORTING REQUIREMENT

Agreement, transmittal to Congress or congressional committees. 22 USC 3311.

SEC. 12. (a) The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

"Agreement."

(b) For purposes of subsection (a), the term "agreement" includes—

(1) any agreement entered into between the Institute and the governing authorities on Taiwan or the instrumentality established by Taiwan; and

(2) any agreement entered into between the Institute and an agency of the United States Government.

Agreements and transactions made by the Institute.

(c) Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements and transactions were made by or through the agency of the United States Government on behalf of which the Institute is acting.

Report to Speaker of the House and Senate Foreign Relations Committee.

(d) During the two-year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, every six months, a report describing and reviewing economic relations between the United States and Taiwan, noting any interference with normal commercial relations.

RULES AND REGULATIONS

22 USC 3312.

Transmittal to Speaker of the House and Senate Foreign Relations Committee.

SEC. 13. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act. During the three-year period beginning on the effective date of this Act, such rules and regulations shall be transmitted promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this Act.

CONGRESSIONAL OVERSIGHT

22 USC 3313.

SEC. 14. (a) The Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress shall monitor—

(1) the implementation of the provisions of this Act;

(2) the operation and procedures of the Institute;

(3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and

(4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

Reports.

(b) Such committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

DEFINITIONS

22 USC 3314.

SEC. 15. For purposes of this Act—

(1) the term "laws of the United States" includes any statute, rule, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof; and

(2) the term "Taiwan" includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing authorities (including political subdivisions, agencies, and instrumentalities thereof).

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. In addition to funds otherwise available to carry out the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended. 22 USC 3315.

SEVERABILITY OF PROVISIONS

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby. 22 USC 3316.

EFFECTIVE DATE

SEC. 18. This Act shall be effective as of January 1, 1979. 22 USC 3301 note.

Approved April 10, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-26 (Comm. on Foreign Affairs) and No. 96-71 (Comm. of Conference).
SENATE REPORT No. 96-7 accompanying S. 245 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Mar. 8, 13, considered and passed House.
  Mar. 5, 7, 8, 12, 13, S. 245 considered and passed Senate.
  Mar. 14, proceedings vitiated; H.R. 2479, amended, passed in lieu.
  Mar. 28, House agreed to conference report.
  Mar. 29, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 15:
  Apr. 10, Presidential statement.

Public Law 96-9
96th Congress

Joint Resolution

Apr. 19, 1979
[H.J. Res. 283]

Reaffirming the United States commitment to the North Atlantic Alliance.

Whereas April 4, 1979, marks the thirtieth anniversary of the signing in Washington of the North Atlantic Treaty;

Whereas the alliance created by the treaty constitutes the manifestation of the ties which bind the democracies of Europe and North America and of their determination to preserve their common heritage of individual liberties, the rule of law, and the dignity of humankind;

Whereas the peace and stability insured by the alliance for thirty years has fostered the well-being and freedom of nearly six hundred million human beings;

Whereas the conditions for political stability and economic prosperity derive from the military security provided by the alliance; and

Whereas the search for world peace, mutual respect among the nations of the world, and reduction in armaments are attainable only in a secure environment: Now, therefore, be it

North Atlantic Alliance. U.S. commitment, reaffirmation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the North Atlantic Alliance be reaffirmed as a vital commitment and cornerstone of United States foreign policy, and that the bipartisan spirit that inspired its birth be rededicated to the purpose of strengthening it further in the cause of peace and security.

SEC. 2. The Congress recognizes the contribution of the Canadian and European Allies to the common defense and to the preservation of the civilization and common heritage of the West.

SEC. 3. On the occasion of this thirtieth anniversary, the Congress pledges its support for the Alliance as the indispensable basis for the achievement of our mutual security, the reduction of tensions, and the pursuit of improved relations among all nations.

Copies to Chiefs of State of NATO member countries and Secretary General.

SEC. 4. The Congress requests that the President of the United States forward copies of this resolution to the Chiefs of State of all member countries of the North Atlantic Treaty Organization, and to the Secretary General in recognition of his contribution to the strength and confidence of the North Atlantic Treaty Organization.

Approved April 19, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):

Apr. 4, considered and passed House; S.J. Res. 54 considered and passed Senate.

Apr. 5, proceeding of S.J. Res. 54 vacated in Senate and H.J. Res. 283, amended, passed in lieu; House concurred in Senate amendment.

Public Law 96-10
96th Congress

An Act

May 10, 1979
[H.R. 2283]

To amend the Council on Wage and Price Stability Act to extend the authority granted by such Act to September 30, 1980, and for other purposes.

Council on Wage and Price Stability Act, amendment.
12 USC 1904 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a)(5) of the Council on Wage and Price Stability Act is amended to read as follows:

"(5) focus attention on the need to increase productivity in both the public and private sectors of the economy, focus attention on the need to move toward full employment, and take into consideration the need to stimulate productivity in monitoring wages and prices to determine compliance with promulgated standards;".

Review; report to Congress.

SEC. 2. Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following new subsection:

"(c) The Council is directed to review its policies with respect to the national interest in promoting greater productivity growth and shall submit a report of its findings and recommendations to the Congress by July 1, 1979. Such review shall include, but not be limited to, the need for flexibility in determining compliance with pay and price standards based upon documentable productivity gains resulting from improved efficiency of the workforce.".

Appropriation authorization.
12 USC 1904 note.

SEC. 3. Section 6 of the Council on Wage and Price Stability Act is amended to read as follows:

"SEC. 6. There is authorized to be appropriated to carry out the provisions of this Act not to exceed—

"(1) $6,952,000 for the fiscal year ending September 30, 1979; and

"(2) $8,483,000 for the fiscal year ending September 30, 1980.".

Termination date, extension.
12 USC 1904 note.

SEC. 4. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1980".

Payments.
12 USC 1904 note.

SEC. 5. The Council on Wage and Price Stability Act is amended by adding at the end thereof the following new section:

"SEC. 8. Notwithstanding any other provision of this Act, no payment under this Act may be made except to such extent, or in such amounts, as are provided in advance in appropriation Acts.".

15 USC 1022a.

SEC. 6. (a) Section 4(b) of the Employment Act of 1946 is amended—

(1) in clause (1), by striking out "and" at the end thereof;

(2) in clause (2), by striking out the period at the end thereof and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following:

Nation's gross national product, reduction.

"(3) reducing the share of the Nation's gross national product accounted for by Federal outlays to 21 per centum or less by 1981, and to 20 per centum or less by 1983 and thereafter, or the lowest level consistent with national needs and priorities: *Provided,* That policies and programs for achieving the goal specified in this clause shall be designed so as not to impede achievement of the goals and timetables specified in clause (1) of this subsection for the reduction of unemployment.".

15 USC 1022a.

(b) Section 4(c) of such Act is amended by adding at the end thereof the following:

"(3) Upon achievement of the 20 per centum goal specified in subsection (b)(3), each succeeding Economic Report shall have the goal of establishing the share of an expanding gross national product accounted for by Federal outlays at a level of 20 per centum or less, or the lowest level consistent with national needs and priorities: *Provided,* That policies and programs for achieving the goal specified in this clause shall be designed so as not to impede achievement of the goals and timetables specified in subsection (b)(1) for the reduction of unemployment.".

(c) The first sentence of section 4(d) of such Act is amended—

(1) by striking out "and" after "unemployment" and inserting in lieu thereof a comma; and

(2) by inserting after "inflation" the following: ", and Federal outlays as a proportion of gross national product,".

15 USC 1022.

(d) Section 3(a)(2)(A) of such Act is amended by inserting "Federal outlays as a proportion of gross national product," after "productivity,".

Approved May 10, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-33 (Comm. on Banking, Finance, and Urban Affairs) and No. 96-93 (Comm. of Conference).

SENATE REPORT No. 96-36 accompanying S. 349 (Comm. on Banking, Housing and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Mar. 20, 21, considered and passed House.
Mar. 29, S. 349 considered in Senate.
Apr. 2, considered and passed Senate, amended, in lieu of S. 349.
Apr. 25, House agreed to conference report.
Apr. 26, Senate agreed to conference report.

Public Law 96-11
96th Congress

Joint Resolution

To declare May 18, 1979 to be "National Museum Day".

May 18, 1979
[H.J. Res. 262]

Whereas museums hold in trust for future generations a substantial part of humankind's material patrimony produced and preserved by the skill of our ancestors and our contemporaries; and

Whereas museums encourage curiosity in the very young, offer enlightenment and education to the student, and provide a continuing source of enjoyment and cultural enrichment for all; and

Whereas museums are centers of research for scholars and contribute significantly to our knowledge of history, science, and the arts; and

Whereas museums enhance the quality of life in our communities and provide a sense of continuity and perspective which reinforces the cultural opportunities offered by schools, colleges, universities, libraries, and other institutions of learning; and

Whereas the museums of our Nation deserve recognition for their contribution to the preservation of the natural and cultural heritage of the United States and to the furtherance of understanding concerning the peoples of the United States and the peoples of other countries in the past, present, and future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 18, 1979, as "National Museum Day" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that day with appropriate ceremonies, activities, and programs.

National Museum Day. Designation authorization.

Approved May 18, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
May 15, considered and passed House.
May 16, S.J. Res. 62 considered and passed Senate; passage vitiated and H.J. Res. 262 passed in lieu.

Public Law 96-12
96th Congress

Joint Resolution

May 23, 1979
[S.J. Res. 80]

To confer certain powers on the Presidential Commission appointed to investigate the Three Mile Island nuclear powerplant accident.

Three Mile Island nuclear powerplant accident.
Presidential Commission for investigation.
42 USC 5848 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this joint resolution—

Definitions.
42 USC 5848 note.

(1) The term "Commission" means the Commission appointed by the President pursuant to Executive Order Numbered 12130, dated April 11, 1979.

(2) The term "person" includes a department, agency, or other unit of the Federal Government or of a State or local government.

Subpena powers.
42 USC 5848 note.

SEC. 2. (a) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence from the Nuclear Regulatory Commission or any person that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

Inspection.

(b) The Commission, or any member of the Commission when so authorized by the Commission, may issue an order for the inspection of the nuclear powerplant at Three Mile Island, or any portion thereof, by members of the Commission or any agent or agency designated by the Commission.

Contumacy provision.

(c) In case of contumacy or refusal to obey a subpena or inspection order issued to the Nuclear Regulatory Commission or any person under subsection (a) or (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue to the Nuclear Regulatory Commission or such person an order requiring a witness to appear before the Commission, its members, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question, or to permit inspection of the nuclear powerplant at Three Mile Island or a portion thereof; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Serving of process and papers.

(d) Process and papers of the Commission, and its members, agent, or agency, may be served either in person or by registered or certified mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered or certified and mailed or telegraphed shall be proof of

Witnesses, fees and mileage, payment.

service of the same. Witnesses summoned before the Commission, or its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the individuals taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena or order on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. The Commission may, with the approval of the Attorney General, issue an order requiring the person to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination in the same manner and subject to the same restrictions as a government agency may issue such an order pursuant to section 6004 of title 18, United States Code.

(f) All process of any court to which application may be made under this joint resolution may be served in the judicial district wherein the person required to be served resides or may be found.

Approved May 23, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
May 17, considered and passed Senate.
May 21, considered and passed House.

Public Law 96-13
96th Congress

Joint Resolution

May 24, 1979
[S.J. Res. 71]

To authorize and request the President to proclaim the week of May 6 through 12, 1979, as "National Historic Preservation Week".

Whereas the preservation of the architectural and cultural heritage of America emphasizes, for present and future generations, many exceptional and distinctive aspects of our past;

Whereas the preservation of historic sites and structures serves to remind Americans of the varied cultural influences and historic forces that shaped our country;

Whereas the restoration and maintenance of structures with historical or architectural significance often permits them to play a continuing, contemporary, contributing role in the lives of their communities;

Whereas it is appropriate to commend imaginative and constructive historic preservation programs: Now, therefore, be it

National Historic Preservation Week. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to proclaim May 6 through 12, 1979, as "National Historic Preservation Week", and to call upon interested groups and organizations and the people of the United States to observe such week with appropriate ceremonies and activities.

Approved May 24, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
May 2, considered and passed Senate.
May 10, considered and passed House.

Public Law 96-14
96th Congress

An Act

To continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes.

May 24, 1979
[S. 532]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pension Policy Commission Act".

Pension Policy Commission Act.
29 USC 1001 note.

SEC. 2. (a) The President's Commission on Pension Policy (hereinafter in this Act referred to as the "Commission"), established by Executive Order Numbered 12071, effective September 21, 1978, is authorized to continue in operation for two years following the date of enactment of this Act.

President's Commission on Pension Policy, term extension.
29 USC 1001 note.

(b) During the period the Commission continues in operation the Commission shall—

Functions.

(1) issue reports on problems facing the Nation's retirement systems,

(2) formulate recommendations for a national retirement income policy, and

(3) consult on a regular basis with committees of the Senate, the House of Representatives, and the Congress having jurisdiction over the Commission's work.

(c) The Commission shall submit a final report, including its recommendations and findings, to the President and the Congress. The Commission shall cease to exist ninety days after submission of its final report. All reports and papers of the Commission shall be delivered to the Administrator of General Services for deposit in the Archives of the United States.

Final report to President and Congress.
Termination.
Reports and papers to GSA.

(d) In carrying out its functions under this Act, and in making its findings and recommendations under subsection (c), the Commission shall seek to ensure that it maintains its independence from other officers and employees of the Government and any other person with special interest in its actions.

SEC. 3. (a)(1) The eleven members of the Commission appointed by the President before the date of the enactment of this Act, including the Chairman, may continue to serve for the duration of the Commission.

Membership duration.
29 USC 1001 note.

(2)(A) An appointment to a vacancy in the position of chairman of the Commission shall be made by the President, by and with the advice and consent of the Senate.

Chairmanship vacancy, appointment.

(B) An appointment to any other vacancy in the membership of the Commission shall be made by the President after consultation with the Congress.

(C) All appointments to vacancies in the membership of the Commission shall be made in such a manner as to ensure that the Commission remains balanced in terms of the points of view represented and the functions performed by it.

(3) A quorum of the Commission shall consist of six members, except that the Commission may establish a lower number as a quorum for the purpose of taking testimony. The Commission is

Quorum.

authorized to establish committees, and to delegate authority to them, when necessary to carry out its functions.

Compensation.

(4) Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall continue to receive the salary of their regular positions when engaged in the performance of duties of the Commission.

(5) When engaged in the performance of duties of the Commission, members of the Commission who are not full-time officers or employees of the United States shall be compensated at the maximum daily rate for GS-18 of the General Schedule.

5 USC 5332 note.

Travel expenses.

(6) All members of the Commission who are not otherwise employed by the Federal Government shall be reimbursed for travel expenses, including per diem in lieu of subsistence, incurred in the performance of duties of the Commission, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

5 USC 101 *et seq.*

5 USC 5101 *et seq.*, 5331, 5401 *et seq.*

(b) Subject to such rules as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, and without regard to the provisions of chapter 51, subchapter III of chapter 53, and chapter 54 of that title, relating to classification and pay, is authorized to—

(1) appoint an Executive Director who shall be compensated at a rate not to exceed the rate in effect for level V of the Executive Schedule set forth in section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in no case shall employees be compensated at a rate in excess of the rate provided for employees in GS-17 of the General Schedule; and

5 USC 5332 note.

(3) procure such temporary and intermittent services of experts and consultants as are necessary, as authorized by section 3109 of title 5, United States Code.

Travel expenses.

(c) The Commission is authorized to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, but such personnel shall not be considered Federal employees for any purpose other than for purposes of chapter 81 of title 5, United States Code, and for purposes of sections 2671 through 2680 of title 28, United States Code.

5 USC 8101 *et seq.*

Employee detail.

(d) Upon request of the Commission, the head of any executive department, agency or independent establishment of the United States is authorized to detail on a nonreimbursable basis its employees to the Commission to assist it in carrying out its duties.

Financial and administrative services by GSA.

(e) Financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services.

29 USC 1001 note.

SEC. 4. (a) Upon the request of the Commission, the head of each executive department, agency, or independent establishment of the United States that has an interest in or a responsibility with respect to the areas of the Commission's work shall appoint a liaison officer who shall work closely with the Commission and its staff in matters relating to such areas.

Advice from individuals and certain groups.

(b) In carrying out its duties, the Commission may seek the advice of individuals and groups interested in retirement, survivor, and disability policies including, but not limited to, State and local governments and public and private organizations working on such matters.

Hearings.

(c)(1) The Commission or, on authorization of the Commission, any committee of two or more members, may hold hearings and sit and act at such times and places as the Commission or such authorized committee may find advisable, and the provisions of section 1321 of title 28, United States Code, shall apply to witnesses invited to appear at hearings, and per diem and mileage allowances to witnesses shall be paid from funds appropriated to the Commission.

Information from other departments or agencies.

(2) The Commission is authorized to secure from any executive department, agency or independent establishment of the United States, information necessary to carry out its functions. Upon request of the Commission, the head of any executive department, agency or independent establishment shall furnish such information to the extent provided by law.

(d) The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

Contracts with Federal and State agencies.

(e) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary for the carrying out of its duties and responsibilities.

Appropriation authorization.
29 USC 1001 note.

Sec. 5. There is authorized to be appropriated beginning with fiscal year 1980, $2,000,000 to carry out the provisions of this Act, which shall remain available until expended.

Approved May 24, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT: No. 96-70 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Apr. 30, considered and passed Senate.
May 14, considered and passed House.

Public Law 96-15
96th Congress

An Act

May 26, 1979
[S. 631]

To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to John Wayne.

John Wayne, commemorative medal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to John Wayne, a gold medal of appropriate design in recognition of his distinguished career as an actor and his service to the Nation. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions, including "John Wayne, American", to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed $15,000 to carry out the provisions of this subsection.

Appropriation authorization.

Duplicates.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal, and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

Approved May 26, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-110 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 3, considered and passed Senate.
May 23, H.R. 3767 considered and passed House; passage vacated and S. 631, amended, passed in lieu; Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 22:
May 26, Presidential statement.

Public Law 96-16
96th Congress

An Act

To authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development.

June 4, 1979
[H.R. 1787]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection 1(a) of the National Aeronautics and Space Administration Authorization Act, 1979 (Public Law 95-401), is amended by striking out "$1,443,300,000" and inserting in lieu thereof "$1,628,300,000".

National Aeronautics and Space Administration, appropriation authorization.
92 Stat. 857.

Approved June 4, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-53 (Comm. on Science and Technology).
SENATE REPORT No. 96-128 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Mar. 28, considered and passed House.
  May 17, considered and passed Senate.

Public Law 96-17
96th Congress

An Act

June 4, 1979
[H.R. 2520]

To amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980.

National Ocean Pollution Research and Development and Monitoring Planning Act of 1978, amendment.
33 USC 1709.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (Public Law 95-273) is amended by striking out "1979." and inserting in lieu thereof "1979, and not to exceed $4,300,000 for the fiscal year ending September 30, 1980.".**

Approved June 4, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-110, pt. I (Comm. on Merchant Marine and Fisheries) and No. 96-110, pt. II (Comm. on Science and Technology).
SENATE REPORT No. 96-132 accompanying S. 1122 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 14, considered and passed House.
May 17, considered and passed Senate.

Public Law 96-18
96th Congress

An Act

June 8, 1979

[H.R. 3404]

To amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury, and for other purposes.

Treasury draw policy, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 14(b)(1) of the Federal Reserve Act (12 U.S.C. 355(1)) is amended by striking out ": *Provided,* That," and all that follows through the end thereof and inserting in lieu thereof a period.

Federal Reserve banks, open market purchases and sales.

(b) Section 14(b)(2) of the Federal Reserve Act (12 U.S.C. 355(2)) is amended by striking out "any agency of the United States" and inserting in lieu thereof the following: "the United States or any agency of the United States, and to lend, under the direction and regulations of the Federal Open Market Committee, any such obligation to the Secretary of the Treasury".

(c) Section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended by adding at the end thereof the following new paragraphs:

Purchases and sales from or to United States.

"(3) In unusual and exigent circumstances and when authorized, for renewable periods not to exceed thirty days, by the Board of Governors of the Federal Reserve System pursuant to an affirmative vote of not less than five members, to buy and sell, without regard to maturities, directly from or to the United States any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest. Such purchases and sales shall be made in accordance with the provisions of section 12A of this Act. The Board of Governors of the Federal Reserve System shall include in their annual report to Congress detailed information with respect to direct purchases and sales from or to the United States under the provisions of this paragraph.

12 USC 263. Inclusion in report to Congress.

Obligations acquired or loaned to the United States, limitation.

"(4) The aggregate amount of obligations acquired directly from the United States or loaned directly to the United States under the authority of this section which is held or loaned at any one time by the twelve Federal Reserve banks shall not exceed $5,000,000,000.".

SEC. 2. Section 14 of the Federal Reserve Act (12 U.S.C. 353 et seq.) is amended by adding at the end thereof the following new subsection:

Treasury, authority to borrow and sell in open market. 12 USC 359a.

"(h) The Secretary of the Treasury shall have the authority to borrow, subject to the approval and rules and regulations of the Federal Open Market Committee, any obligation referred to in subsections (b)(2) and (b)(3) from any Federal Reserve bank and to sell any such obligation in the open market for the purpose of meeting the short-term cash needs of the Treasury. Not later than six months after the date of sale of such an obligation, the Secretary of the Treasury shall repurchase such obligation and return such obligation to the Federal Reserve bank from which such obligation was borrowed. The aggregate of the face amount of obligations borrowed under the authority of this section shall be included, during the period of such borrowing, as part of the public debt subject to the

Repurchase and return to Federal Reserve banks.

limitation imposed by section 21 of the Second Liberty Bond Act (31 U.S.C. 757b).".

Effective date; expiration.
12 USC 355 note.

SEC. 3. (a) Except for the amendments made by subsection (a) of the first section of this Act, and except for the amendment made by subsection (b) of this section, the amendments made by this Act shall be effective only during the two-year period which begins on the date of enactment of this Act. Upon the expiration of such period, each provision of law amended by this Act, except section 14(b)(1) of the Federal Reserve Act, is amended to read as it did immediately prior to the enactment of this Act.

Ante, p. 35.

(b) Upon the expiration of the two-year period which begins on the date of enactment of this Act, section 14(b)(1) of the Federal Reserve Act (12 U.S.C. 355(1)) is further amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act, any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities but only in the open market."

Approved June 8, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-111 (Comm. on Banking, Finance and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 23, considered and passed House.
May 24, considered and passed Senate.

Public Law 96-19
96th Congress

An Act

To make technical and conforming changes to the financial disclosure provisions in the Ethics in Government Act of 1978.

June 13, 1979
[H.R. 2805]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ethics in Government Act of 1978, amendment.

REFERENCE TO ACT

SECTION 1. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

2 USC 701 note.

TEMPORARY EMPLOYMENT

Report filing for regular employees. 2 USC 701.

SEC. 2. (a)(1) Section 101(c) is amended by inserting before the last sentence the following sentence: "The provisions of the preceding sentence shall not apply to an individual who, as determined by the designated committee of the Senate or the designated committee of the House, as appropriate, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if he performs the duties of his office or position for more than sixty days in a calendar year, the report required by the preceding sentence shall be filed within fifteen days of the sixtieth day.".

Report filing for executive branch employees. 5 USC app.

(2) Section 201 is amended by adding at the end thereof the following new subsection:

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.".

Report filing for judicial branch employees. 28 USC app.

(3) Section 301 is amended by adding at the end thereof the following new subsection:

"(f) The provisions of subsections (a) and (d) shall not apply to an individual who, as determined by the Judicial Ethics Committee, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsection (a) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (d) shall be filed as provided in such subsection.".

Congressional filing. 2 USC 701.

(b) Section 101(b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting before the period the following: "if such individual is or will be such an officer or employee on such May 15"; and

(3) by adding at the end thereof the following:

Report filing on termination.

"(2) Any individual whose employment as an officer or employee described in subsection (e) is terminated in any calendar year may be required—

2 USC 703.

"(A) under the rules of the House of Representatives, if such individual would, but for such termination, file a report with the Clerk pursuant to section 103(a), or

"(B) under the rules of the Senate, if such individual would, but for such termination, file a report with the Secretary pursuant to section 103(b),

to file a financial disclosure report covering (i) that part of such calendar year during which such individual was employed as such an officer or employee, and (ii) the preceding calendar year if the report required by paragraph (1) covering that calendar year has not been filed.".

2 USC 701.

(c)(1) Section 101 is amended by adding at the end thereof the following:

"(h) The designated committee of the House of Representatives, or the designated committee of the Senate, as the case may be, may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position for less than one hundred and thirty days in a calendar year, but only if such committee determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

5 USC app.

(2) Section 201, as amended by subsection (a)(2), is amended by adding at the end thereof the following:

"(i) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the Director determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

28 USC app.

(3) Section 301, as amended by subsection (a)(3), is amended by adding at the end thereof the following:

"(g) The Committee may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year but only if the Committee determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.".

GIFTS AND REIMBURSEMENTS

2 USC 702.

SEC. 3. (a)(1) Section 102 is amended by inserting after subsection (f) the following new subsection:

2 USC 701.

"(g) A report filed pursuant to subsection (a) or (b) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not a Member or an officer or employee of the Federal Government."

5 USC app.

(2) Section 202 is amended by inserting after subsection (g) the following new subsection:

5 USC app.

"(h) A report filed pursuant to subsection (d) or (e) of section 201 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.".

28 USC app.

(3) Section 302 is amended by inserting after subsection (g) the following new subsection:

"(h) A report filed pursuant to subsection (c) or (d) of section 301 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government."

2 USC 702;
5 USC app.;
28 USC app.

(b)(1) Sections 102(a)(2), 202(a)(2) and 302(a)(2) are each amended by adding at the end thereof the following:

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.".

(2) Sections 102(a)(2)(B), 202(a)(2)(B), and 302(a)(2)(B) are each amended by striking out the last sentence.

COVERAGE

5 USC app.

SEC. 4. (a) Section 209 is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by inserting at the end the following:

"Executive branch."

"(11) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch unless such agency, entity, or unit is specifically included in the coverage of title I or III of this Act.".

2 USC 701;
28 USC app.

2 USC 701.

(b)(1) The last sentence of section 101(e) is amended by inserting "National Commission on Air Quality," after "Physician,".

2 USC 703.

(2) Section 103(b) is amended by inserting "National Commission on Air Quality," after "Assessment,".

28 USC app.

(c)(1) Section 308(9) is amended by inserting "Tax Court;" after "Customs Court;".

(2) Section 308(10) is amended by inserting "or of the Tax Court" after "Government".

2 USC 701.
5 USC app.

(d) Subsections (b) and (c) of section 101, and subsections (a), (d), and (e) of section 201 are each amended by striking out "designated" each place it occurs and inserting in lieu thereof "described".

(e) Section 101(b) is amended by striking out "as described" and inserting in lieu thereof "described".

(f) Section 101(c) is amended by striking out "other than an individual employed in the legislative branch upon assuming such position" and inserting in lieu thereof ", other than an individual who was employed in the legislative branch immediately before he assumed such position,".

(g) Section 201(f)(6) is amended by inserting "or Postal Rate Commission" after "United States Postal Service" the second place it appears.

CANDIDATES

2 USC 701;
5 USC app.

Sec. 5. Sections 101(d) and 201(c) are each amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.".

INFORMATION RELATING TO SPOUSES

2 USC 702;
5 USC app.;
28 USC app.

Sec. 6. (a) Sections 102(d), 202(e), and 302(e) are each amended—

(1) by inserting "gifts received by a spouse which are" in place of "gift which is" in paragraph (1)(B),

(2) by striking out in such paragraph "or a brief" and inserting in lieu thereof "and a brief",

(3) by inserting "reimbursements received by a spouse which are" in lieu of "reimbursement which is" in paragraph (1)(C),

(4) by inserting in paragraph (1)(C) "each such reimbursement." in lieu of "the reimbursement." and

(5) by striking out "spouse" and inserting in lieu thereof "spouse's" in paragraph (1)(D).

(b) Sections 202(e)(1)(D)(i) and 302(e)(1)(D)(i) are each amended by inserting a comma immediately after "knowledge of".

BLIND TRUST PROVISIONS

Sec. 7. (a) Sections 102(e)(3)(A), 202(f)(3)(A), and 302(f)(3)(A) are each amended by striking out "or a broker" and inserting "a broker, or an investment adviser".

(b) The last sentence of sections 102(e)(3), 202(f)(3), and 302(f)(3) are each amended by inserting "'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts;" before "and 'supervising ethics office' ".

(c) Sections 102(e)(3)(A)(ii), 202(f)(3)(A)(ii), and 302(f)(3)(A)(ii) are each amended by striking out "is or" and inserting in lieu thereof "is not or".

2 USC 702;
5 USC app.;
28 USC app.

(d)(1) The sentence following subparagraph (D) of subsection (e)(3) of section 102 is amended—

2 USC 702.

(1) by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4))", and

(2) by striking out "their reports" and inserting in lieu thereof "the reports".

(2) The sentence following subparagraph (D) of subsection (f)(3) of section 202 and the sentence following subparagraph (D) of subsection (f)(3) of section 302 are each amended by striking out "section 78 of title 15, United States Code" and inserting in lieu thereof "section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78(c)(4))".

(e) Subparagraphs (A)(ii) and (B) of section 202(f)(5) and subparagraphs (A)(ii) and (B) of section 302(f)(5) are each amended by inserting "of this section" after "subsection (d)".

(f) Sections 102(e)(5)(D), 202(f)(5)(D), and 302(f)(5)(D) are each amended by inserting the following before the period: "with respect to such documents and lists".

APPLICATIONS FOR INSPECTION OF REPORTS

SEC. 8. (a) Section 104 is amended by redesignating subsection (c) as paragraph (2) and by inserting after subsection (b) the following new paragraph:

2 USC 704.

"(c)(1) Notwithstanding subsections (a) and (b), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation, and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(b) Section 205(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

5 USC app.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

(c) Section 305(b) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

28 USC app.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.".

MISCELLANEOUS

2 USC 703. SEC. 9. (a) Section 103(f) is amended to read as follows:

"(f) In order to carry out their responsibilities under this title, the designated committee of the House of Representatives, and the designated committee of the Senate, shall develop reporting forms and may promulgate rules and regulations.".

2 USC 702. (b) The first sentence of paragraph (6) of section 102(a) is amended by inserting "held" after "positions".

(c)(1) Section 102(b) is amended to read as follows:

"(b) Each report filed pursuant to subsections (c) and (d) of section 101 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraph (6) and, in the case of reports filed under section 101(c), paragraph (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

5 USC app. (2) Section 202(b) is amended to read as follows:

5 USC app. "(b) Each report filed pursuant to subsections (a), (b), and (c) of section 201 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

28 USC app. (3) Section 302(b) is amended to read as follows:

28 USC app. "(b) Each report filed pursuant to subsections (a) and (b) of section 301 shall include a full and complete statement with respect to the information required by—

"(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.".

2 USC 707; 5 USC app.; 28 USC app. (d) Sections 107(1), 209(1), and 308(1) are each amended by striking out "net and gross income derived from business" and inserting

"gross income derived from business (and net income if the individual elects to include it)".

Repeal.
5 USC app.

(e)(1) Section 402(d) is repealed.

(2) Section 402(b) is amended—

(A) by striking out "and" at the end of paragraph (13);

(B) by striking out the period at the end of paragraph (14) and inserting "; and"; and

(C) by adding at the end thereof the following:

Rules and regulations.

"(15) developing and recommending for promulgation by the Office of Personnel Management such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.". 5 USC app.

(f) Section 204(c) is amended by striking out "Civil Service Commission" and inserting "Office of Personnel Management". 5 USC app.

(g) Section 107(16) is amended by inserting closed quotation marks immediately after "Representatives" and inserting open quotation marks immediately before "designated committee of the Senate". 2 USC 707.

(h) Section 201(e) is amended by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs". 5 USC app.

(i) Section 201(g) is amended by striking out "established by title IV of this Act".

(j) Sections 102(a)(7), 202(a)(7), and 302(a)(7) are each amended by striking out the colon after "arrangement with respect to". 2 USC 702; 5 USC app.; 28 USC app.

(k) Section 203(a) is amended by inserting after "is employed" the following: "(or in the case of an individual described in section 201(e), was employed)". 5 USC app.

(l) Section 205(c)(1) is amended by striking out the comma immediately after "obtain". 5 USC app.

(m) Section 206(a) is amended by striking out "shall be" and inserting in lieu thereof "is". 5 USC app.

(n) Section 207(b) is amended by inserting a comma immediately after "require disclosure". 5 USC app.

(o) Section 209(2) is amended by inserting a comma immediately after "grandson". 5 USC app.

(p) Section 301(d) is amended— 28 USC app.

(1) by inserting a comma immediately after "employee shall"; and

(2) by striking out "that calendar year" and inserting in lieu thereof "the calendar year in which such termination occurs".

(q) Section 302(f)(6)(B)(i) is amended by striking out the comma immediately after "paragraph (3)(C)" and inserting a comma immediately after "subsection". 28 USC app.

(r) Section 303(c)(6) is amended by adding "and" at the end thereof. 28 USC app.

5 USC app. **(s) Section 402(b)(1) is amended—**

(1) by striking out "consulation" and inserting in lieu thereof "consultation";

(2) by striking out the comma after "rules and regulations" the first place it appears; and

(3) by striking out the comma after "President".

2 USC 708. **(t) Section 108 is amended by inserting immediately after "by reason of" the following: "holding the office of Member or".**

Approved June 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-114, pt. 1 (Comm. on Post Office and Civil Service) and No. 96-114, pt. 2 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 14, considered and passed House.
May 23, considered and passed Senate.

Public Law 96-20
96th Congress

An Act

To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ben Abruzzo, Maxie Anderson, and Larry Newman.

June 13, 1979
[S. 348]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is hereby authorized to present, on behalf of the Congress, to Ben Abruzzo, Maxie Anderson, and Larry Newman, transatlantic balloonists, one gold medal each of appropriate design in recognition of their distinguished feat as aviation pioneers. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck three gold medals with suitable emblems, devices, and inscriptions to be determined by the Administrator of the National Aeronautics and Space Administration with the concurrence of the Commission on Fine Arts, subject to the approval of the Secretary of the Treasury. There are authorized to be appropriated not to exceed $45,000 to carry out the provisions of this subsection.

Ben Abruzzo, Maxie Anderson, and Larry Newman.
Commemorative medals.

Appropriation authorization.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medals, and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

Duplicates.

(c) The medals provided for in this section are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

Approved June 13, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-108 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 3, considered and passed Senate.
June 4, considered and passed House, amended.
June 5, Senate agreed to House amendments.

Public Law 96-21
96th Congress

An Act

June 13, 1979
[S. 613]

Authorizing the President of the United States to present a gold medal to the widow of Hubert H. Humphrey.

Mrs. Hubert H. Humphrey. Commemorative medal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present in the name of Congress, an appropriate gold medal to Mrs. Hubert H. Humphrey, in recognition of the distinguished and dedicated service which her late husband gave to the Government and to the people of the United States. For such purposes, the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary. There are authorized to be appropriated not to exceed $15,000 to carry out the provisions of this subsection.

Appropriation authorization.

Duplicates.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medals, and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this section are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

Approved June 13, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-109 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 3, considered and passed Senate.
June 4, considered and passed House, amended.
June 5, Senate agreed to House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 24:
June 13, Presidential statement.

Public Law 96-22
96th Congress

An Act

To amend title 38, United States Code, to revise and improve certain health-care programs of the Veterans' Administration, to authorize the construction, alteration, and acquisition of certain medical facilities, and to expand certain benefits for disabled veterans; and for other purposes.

June 13, 1979
[S. 7]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Health Care Amendments of 1979".

Veterans' Health Care Amendments of 1979.
38 USC 101 note.

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH SERVICES PROGRAMS

PRIORITY FOR MEDICAL EXAMINATIONS FOR SERVICE-CONNECTED DISABILITIES

SEC. 101. Clause (3) of section 612(i) is amended by inserting "(including any veteran being examined to determine the existence or rating of a service-connected disability)" before the period.

38 USC 612.

DENTAL SERVICES AND TREATMENT FOR CERTAIN VETERANS

SEC. 102. (a) Section 610(c) is amended by adding at the end thereof the following new sentence: "The Administrator may furnish dental services and treatment, and related dental appliances, under this subsection for a non-service-connected dental condition or disability of a veteran only (1) to the extent that the Administrator determines that the dental facilities of the Veterans' Administration to be used to furnish such services, treatment, or appliances are not needed to furnish services, treatment, or appliances for dental conditions or disabilities described in section 612(b) of this title, or (2) if (A) such non-service-connected dental condition or disability is associated with or aggravating a disability for which such veteran is receiving hospital care, or (B) a compelling medical reason or a dental emergency requires furnishing dental services, treatment, or appliances (excluding the furnishing of such services, treatment, or appliances of a routine nature) to such veteran during the period of hospitalization under this section.".

38 USC 610.
38 USC 612; *infra.*

(b)(1) Subsection (b) of section 612 is amended—

(A) by striking out "or" at the end of clause (5);

(B) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following:

"(7) from which any veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war for a period of not less than six months is suffering; or

"(8) from which a veteran who has a service-connected disability rated as total is suffering.

In any year in which the President's Budget for the fiscal year beginning October 1 of such year includes an amount for expenditures for contract dental care under the provisions of subsections (a) and (f) of this section and section 601(4)(C) of this title during such fiscal year in excess of the level of expenditures made for such purpose during fiscal year 1978, the Administrator shall, not later than February 15 of such year, submit a report to the appropriate committees of the Congress justifying the requested level of expenditures for contract dental care and explaining why the application of the criteria prescribed in section 601(4)(C) of this title for contracting with private facilities and in the second sentence of section 610(c) of this title for furnishing incidental dental care to hospitalized veterans will not preclude the need for expenditures for contract dental care in excess of the fiscal year 1978 level of expenditures for such purpose. In any case in which the amount included in the President's Budget for any fiscal year for expenditures for contract dental care under such provisions is not in excess of the level of expenditures made for such purpose during fiscal year 1978 and the Administrator determines after the date of submission of such budget and before the end of such fiscal year that the level of expenditures for such contract dental care during such fiscal year will exceed the fiscal year 1978 level of expenditures, the Administrator shall submit a report to the appropriate committees of the Congress containing both a justification (with respect to the projected level of expenditures for such fiscal year) and an explanation as required in the preceding sentence in the case of a report submitted pursuant to such sentence. Any report submitted pursuant to this subsection shall include a comment by the Administrator on the effect of the application of the criteria prescribed in the second sentence of section 610(c) of this title for furnishing incidental dental care to hospitalized veterans.".

38 USC 612.
Infra.
Post, p. 54.

38 USC 610; *ante*, p. 47.

Report to congressional committees.

Outpatient dental services and treatment.

(2) Subsection (f) of such section is amended by adding at the end thereof the following new sentence: "The Administrator may also furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsection (b)(7) of this section.".

38 USC 601.

(c) Section 601 is amended—

(1) by inserting "of the first sentence, or in the third sentence," in paragraph (4)(C)(ii) after "(1)(B) or (2)"; and

(2) by striking out "authorized in section 612 (b), (c), (d), and (e)" in paragraph (6)(A)(i) and inserting in lieu thereof "described in sections 610 and 612".

38 USC 610, 612.

READJUSTMENT COUNSELING PROGRAM FOR VETERANS OF THE VIETNAM ERA

SEC. 103. (a)(1) Subchapter II of chapter 17 is amended by inserting after section 612 the following new section:

38 USC 612A.

"§ 612A. Eligibility for readjustment counseling and related mental health services

"(a) Upon the request of any veteran who served on active duty during the Vietnam era, the Administrator shall, within the limits of Veterans' Administration facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life if such veteran requests such counseling within two years after the date of such veteran's discharge or release from active duty or two years after the effective date of this section, whichever is later. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

Outpatient service.

"(b)(1) If, on the basis of the assessment furnished under subsection (a) of this section, a physician or psychologist employed by the Veterans' Administration (or, in areas where no such physician or psychologist is available, a physician or psychologist carrying out such function under a contract or fee arrangement with the Administrator) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Veterans' Administration facilities, be furnished such services on an outpatient basis under the conditions specified in clause (1)(B) of section 612(f) of this title. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Veterans' Administration as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 611(b) of this title).

38 USC 612.

38 USC 611.

"(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and expenses as are described in section 601(6)(B) of this title.

38 USC 601.

"(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such counseling, the Administrator shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Veterans' Administration; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

Training of professional, paraprofessional and lay personnel.

"(d) The Chief Medical Director may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 1685 of this title), in initial intake and screening activities.

38 USC 1685.

"(e)(1) In furnishing counseling and related mental health services under subsections (a) and (b) of this section, the Administrator shall have available the same authority to enter into contracts with private facilities that is available to the Administrator (under sections 612(f)(2) and 601(4)(C)(ii) of this title) in furnishing medical services to veterans suffering from total service-connected disabilities.

38 USC 612, 601.

"(2) Before furnishing counseling or related mental health services described in subsections (a) and (b) of this section through a contract facility, as authorized by this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which the counseling or services are to be furnished.

"(3) The authority of the Administrator to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

Eligibility assistance, notification.

"(f) The Administrator, in cooperation with the Secretary of Defense, shall take such action as the Administrator considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 612 the following new item:

"612A. Eligibility for readjustment counseling and related mental health services.".

Eligibility assistance in case of declaration of war. 38 USC 612A note. *Ante*, p. 48.

(b) In the event of a declaration of war by the Congress after the date of the enactment of this Act, the Administrator of Veterans' Affairs, not later than six months after the date of such declaration, shall determine and recommend to the Congress whether eligibility for the readjustment counseling and related mental health services provided for in section 612A of title 38, United States Code (as added by subsection (a) of this section) should be extended to the veterans of such war.

PILOT PROGRAM FOR TREATMENT AND REHABILITATION OF VETERANS WITH ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES

SEC. 104. (a) Subchapter II of chapter 17 is amended by adding at the end thereof the following new section:

38 USC 620A.

"§ 620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program

"(a)(1) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may conduct a pilot program under which the Administrator may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities of eligible veterans suffering from alcohol or drug dependence or abuse disabilities. Such pilot program shall be planned, designed, and conducted by the Chief Medical Director, with the approval of the Administrator, so as to demonstrate any medical advantages and cost effectiveness that may result from furnishing such care and services to veterans with such disabilities in contract facilities as authorized by this section, rather than in facilities over which the Administrator has direct jurisdiction.

Program quality and effectiveness, approval.

"(2) Before furnishing such care and services to any veteran through a contract facility as authorized by paragraph (1) of this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

Employment and training opportunities.

"(b) The Administrator, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, may take appropriate steps to (1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for alcohol or drug dependence or abuse disabilities and have been determined by competent medical authority to be sufficiently rehabilitated to be employable, and (2) provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities.

Noneligible individuals, provisions.

"(c) Upon receipt of an application for treatment and rehabilitative services under this title for an alcohol or drug dependence or abuse disability from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Administrator shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Veterans' Administration; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

Transfer to another facility, requirement.

"(d)(1) Any person serving in the active military, naval, or air service who is determined by the Secretary concerned to have an alcohol or drug dependence or abuse disability may not be transferred to any facility in order for the Administrator to furnish care or treatment and rehabilitative services for such disability unless such transfer is during the last thirty days of such member's enlistment period or tour of duty, in which case such care and services provided to such member shall be provided as if such member were a veteran. Any transfer of any such member for such care and services shall be made pursuant to such terms as may be agreed upon by the Secretary concerned and the Administrator, subject to the provisions of the Act of March 4, 1915 (31 U.S.C. 686).

Written request for transfer; extension.

"(2) No person serving in the active military, naval, or air service may be transferred pursuant to an agreement made under paragraph (1) of this subsection unless such person requests such transfer in writing for a specified period of time during the last thirty days of such person's enlistment period or tour of duty. No such person transferred pursuant to such a request may be furnished such care and services by the Administrator beyond the period of time specified in such request, unless such person requests in writing an extension for a further specified period of time and such request is approved by the Administrator.

Termination.

"(e) The Administrator may not furnish care and treatment and rehabilitative services under subsection (a) of this section after the last day of the fifth fiscal year following the fiscal year in which the pilot program authorized by such subsection is initiated.

Report to congressional committees.

"(f) Not later than March 31, 1983, the Administrator shall report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation through September 30, 1982, of the pilot program authorized by this section.

Contract provision.

"(g) The authority of the Administrator to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

(b) The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 620 the following new item:

"620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program.".

PILOT PROGRAM OF PREVENTIVE HEALTH-CARE SERVICES

SEC. 105. (a) Chapter 17 is amended by adding at the end thereof the following new subchapter:

"Subchapter VII—Preventive Health-Care Services Pilot Program

38 USC 661.

"§ 661. Purpose

"The purpose of this subchapter is to provide for a preventive health-care services pilot program under which the Administrator may attempt to (1) ensure the best possible health care for certain veterans with service-connected disabilities rated at 50 per centum or more and for certain veterans being furnished treatment involving a service-connected disability under this chapter, by furnishing to such veterans feasible and appropriate preventive health-care services, and (2) determine the cost-effectiveness and medical advantages of furnishing such preventive health-care services.

38 USC 662.

"§ 662. Definition

"For the purposes of this subchapter, the term 'preventive health-care services' means—

"(1) periodic medical and dental examinations;

"(2) patient health education (including nutrition education);

"(3) maintenance of drug use profiles, patient drug monitoring, and drug utilization education;

"(4) mental health preventive services;

"(5) substance abuse prevention measures;

"(6) immunizations against infectious disease;

"(7) prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature;

"(8) genetic counseling concerning inheritance of genetically determined diseases;

"(9) routine vision testing and eye care services;

"(10) periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and

"(11) such other health-care services as the Administrator may determine to be necessary to provide effective and economical preventive health care.

38 USC 663.

"§ 663. Preventive health-care services

"(a)(1) In order to carry out the purpose of this subchapter, the Administrator, within the limits of Veterans' Administration facilities and in accordance with regulations which the Administrator shall prescribe, may furnish to any veteran described in section 612(f)(2) of this title, and to any veteran receiving care and treatment under this chapter involving a service-connected disability, such preventive health-care services as the Administrator determines are feasible and appropriate. 38 USC 612.

"(2) In connection with preventive health-care services furnished under paragraph (1) of this subsection, the Administrator, in accordance with regulations which the Administrator shall prescribe, may institute appropriate controls and carry out followup studies (including research) to determine the medical advantages and cost-effectiveness of furnishing such preventive health-care services.

"(b) In carrying out the pilot program provided for by this subchapter, the Administrator may not furnish preventive health-care services after September 30, 1984.

Services, termination date.

"(c) In carrying out this subchapter, the Administrator shall emphasize the utilization of interdisciplinary health-care teams composed of various professional and paraprofessional personnel.

Professional and paraprofessional personnel.

"(d) In order to carry out the program provided for in this subchapter, the Administrator may not expend more than $10,000,000 in fiscal year 1980, more than $12,000,000 in fiscal year 1981, more than $13,000,000 in fiscal year 1982, more than $14,000,000 in fiscal year 1983, or more than $15,000,000 in fiscal year 1984.

"§ 664. Reports

"The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator considers necessary.".

Report to Congress.
38 USC 664.
38 USC 214.

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"SUBCHAPTER VII—PREVENTIVE HEALTH-CARE SERVICES PILOT PROGRAM

"661. Purpose.
"662. Definition.
"663. Preventive health-care services.
"664. Reports.".

HOSPITAL AND NURSING HOME CARE AND MEDICAL SERVICES WITHIN THE UNITED STATES FOR COMMONWEALTH ARMY VETERANS AND NEW PHILIPPINE SCOUTS

SEC. 106. (a) Subchapter IV of chapter 17 is amended by redesignating section 634 as section 635 and by inserting after section 633 the following new section:

"§ 634. Hospital and nursing home care and medical services in the United States

38 USC 634.

"The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts for the treatment of the service-connected disabilities of such veterans and scouts.".

(b) The table of sections at the beginning of chapter 17 is amended by striking out the item relating to section 634 and inserting in lieu thereof the following new items:

"634. Hospital and nursing home care and medical services in the United States.
"635. Definitions.".

EFFECTIVE DATE OF CERTAIN PROVISIONS

SEC. 107. The amendments made to title 38, United States Code, by sections 102, 103, 104, 105, and 106 of this Act shall be effective on October 1, 1979.

38 USC 601 note.
Ante, pp. 47, 48, 50, 52.
Supra.

TITLE II—CONTRACT-CARE PROGRAMS

DEFINITION OF "VETERANS' ADMINISTRATION FACILITIES"

38 USC 601.

SEC. 201. (a) Paragraph (4) of section 601 is amended—

38 USC 612.

(1) by inserting "or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph" before the semicolon at the end of subclause (ii) of clause (C);

(2) by striking out "or" after the semicolon at the end of subclause (iv) of clause (C), and striking out the period at the end of such clause and inserting in lieu thereof a semicolon and the following: "or (vi) diagnostic services necessary for determination of eligibility for, or of the appropriate course of treatment in connection with, the provision of medical services at independent Veterans' Administration outpatient clinics to obviate the need for hospital admission."; and

Treatment in private facility, review.

(3) by adding below clause (C) the following new sentence: "In the case of any veteran for whom the Administrator contracts to provide treatment in a private facility pursuant to the provisions of this paragraph, the Administrator shall periodically review the necessity for continuing such contractual arrangement pursuant to such provision.".

Reports to congressional committees.
38 USC 601 note.

(b) Not later than February 1, 1980, and annually thereafter, the Chief Medical Director of the Veterans' Administration shall submit to the appropriate committees of the Congress, through the Administrator of Veterans' Affairs, a full report on the implementation of section 601(4)(C)(v) of title 38, United States Code, and the amendments made by this section, and on the numbers of veterans provided contract treatment (and the average cost and duration thereof) in each State (as defined in section 101(20) of title 38, United States Code) in the categories described in the following provisions of such title: sections 601(4)(C), 610(a), 612(a), 612(f)(1)(A), 612(f)(1)(B), 612(f)(2), 612(g), 612A (as added by section 103(a)(1) of this Act), the third sentence of section 612(f) (as added by section 102(b)(2) of this Act), and section 620A (as added by section 104(a) of this Act).

38 USC 101.
38 USC 601, *ante*, p. 48; 38 USC 610; 38 USC 612; *ante*, p. 48; *ante*, p. 50.

EMERGENCY MEDICAL SERVICES AT NATIONAL CONVENTIONS OF RECOGNIZED VETERANS' SERVICE ORGANIZATIONS

38 USC 611.

SEC. 202. Section 611 is amended by adding at the end thereof the following new subsection:

"(c)(1) The Administrator may contract with any organization recognized by the Administrator for the purposes of section 3402 of this title to provide for the furnishing by the Administrator, on a reimbursable basis (as prescribed by the Administrator), of emergency medical services to individuals attending any national convention of such organization, except that reimbursement shall not be required for services furnished under this subsection to the extent that the individual receiving such services would otherwise be eligible under this chapter for medical services.

"(2) The authority of the Administrator to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

TITLE III—CONSTRUCTION, ALTERATION, LEASE, AND ACQUISITION OF MEDICAL FACILITIES

REVISION OF AUTHORITY FOR CONSTRUCTION, ALTERATION, LEASE, AND ACQUISITION OF MEDICAL FACILITIES

SEC. 301. (a) Subchapter I of chapter 81 is amended to read as follows:

"Subchapter I—Acquisition and Operation of Medical Facilities

"§ 5001. Definitions

38 USC 5001.

"For the purposes of this subchapter:

"(1) The term 'alter', with respect to a medical facility, means to repair, remodel, improve, or extend such medical facility.

"(2) The terms 'construct' and 'alter', with respect to a medical facility, include such engineering, architectural, legal, fiscal, and economic investigations and studies and such surveys, designs, plans, working drawings, specifications, procedures, and other similar actions as are necessary for the construction or alteration, as the case may be, of such medical facility and as are carried out after the completion of the advanced planning (including the development of project requirements and preliminary plans) for such facility.

"(3) The term 'medical facility' means any facility or part thereof which is, or will be, under the jurisdiction of the Administrator for the provision of health-care services (including hospital, nursing home, or domiciliary care or medical services), including any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, trackage facilities leading thereto, abutting sidewalks, accommodations for attending personnel, and recreation facilities associated therewith.

"(4) The term 'committee' means the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate, and the term 'committees' means both such committees.

"§ 5002. Acquisition of medical facilities

38 USC 5002.

"(a) The Administrator shall provide medical facilities for veterans entitled to hospital, nursing home, or domiciliary care or medical services under this title.

"(b) No medical facility may be constructed or otherwise acquired or altered except in accordance with the provisions of this subchapter.

"(c) In carrying out this subchapter, the Administrator—

Functions.

"(1) shall provide for the construction and acquisition of medical facilities in a manner that results in the equitable distribution of such facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility; and

"(2) shall give due consideration to excellence of architecture and design.

38 USC 5003.

"§ 5003. Authority to construct and alter, and to acquire sites for, medical facilities

Infra.

"(a) Subject to section 5004 of this title, the Administrator—

"(1) may construct or alter any medical facility and may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, such land or interests in land as the Administrator considers necessary for use as the site for such construction or alteration;

"(2) may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, any facility (including the site of such facility) that the Administrator considers necessary for use as a medical facility; and

Post, p. 59.

"(3) in order to assure compliance with section 5010(a)(2) of this title, in the case of any outpatient medical facility for which it is proposed to lease space and for which a qualified lessor and an appropriate leasing arrangement are available, shall execute a lease for such facility within 12 months after funds are made available for such purpose.

"(b) Whenever the Administrator considers it to be in the interest of the United States to construct a new medical facility to replace an existing medical facility, the Administrator (1) may demolish the existing facility and use the site on which it is located for the site of the new medical facility, or (2) if in the judgment of the Administrator it is more advantageous to construct such medical facility on a different site in the same locality, may exchange such existing facility and the site of such existing facility for the different site.

"(c) Whenever the Administrator determines that any site acquired for the construction of a medical facility is not suitable for that purpose, the Administrator may exchange such site for another site to be used for that purpose or may sell such site.

38 USC 5004.

"§ 5004. Congressional approval of certain medical facility acquisitions

"(a) In order to ensure the equitable distribution of medical facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility—

Construction cost, limitation.

"(1) no appropriation may be made for the construction, alteration, or acquisition (not including exchanges) of any medical facility which involves a total expenditure of more than $2,000,000 unless each committee has first adopted a resolution approving such construction, alteration, or acquisition and setting forth the estimated cost thereof; and

Lease rental charge, limitation.

"(2) no appropriation may be made for the lease of any space for use as a medical facility at an average annual rental of more than $500,000 unless each committee has first adopted a resolution approving such lease and setting forth the estimated cost thereof.

Prospectus.

"(b) In the event that the President or the Administrator proposes to the Congress the funding of any construction, alteration, lease, or other acquisition to which subsection (a) of this section is applicable, the Administrator shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Such prospectus shall include—

Contents.

"(1) a detailed description of the medical facility to be constructed, altered, leased, or otherwise acquired under this subchapter, including a description of the location of such facility;

"(2) an estimate of the cost to the United States of the construction, alteration, lease, or other acquisition of such facility (including site costs, if applicable); and

"(3) an estimate of the cost to the United States of the equipment required for the operation of such facility.

Cost increase, limitation.

"(c) The estimated cost of any construction, alteration, lease, or other acquisition that is approved under this section, as set forth in the pertinent resolutions described in subsection (a) of this section, may be increased by the Administrator in the contract for such construction, alteration, lease, or other acquisition by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction, alteration, lease, or other acquisition costs, as the case may be, from the date of such approval to the date of contract, but in no event may the amount of such increase exceed 10 per centum of such estimated cost.

Rescinding of approval.

"(d) In the case of any medical facility approved for construction, alteration, lease, or other acquisition by each committee under subsection (a) of this section for which funds have not been appropriated within one year after the date of such approval, either such committee may by resolution rescind its approval at any time thereafter before such funds are appropriated.

"(e) In any case in which the Administrator proposes that funds be used for a purpose other than the purpose for which such funds were appropriated, the Administrator shall promptly notify each committee, in writing, of the particulars involved and the reasons why such funds were not used for the purpose for which appropriated.

Gifts or donations.

"(f) The Administrator may accept gifts or donations for any of the purposes of this subchapter.

"§ 5005. Structural requirements

38 USC 5005.

38 USC 620.

38 USC 5031.

"(a) Each medical facility (including each nursing home facility for which the Administrator contracts under section 620 of this title and each State home facility constructed or altered under section 5031 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing structure is acquired for use as a medical facility, it shall be altered to comply with such standards.

Advisory Committee on Structural Safety of Veterans' Administration Facilities; membership.

"(b)(1) In order to carry out this section, the Administrator shall appoint an advisory committee to be known as the 'Advisory Committee on Structural Safety of Veterans' Administration Facilities', on which shall serve at least one architect and one structural engineer who are experts in structural resistance to fire, earthquake, and other natural disasters and who are not employees of the Federal Government.

Function.

"(2) Such advisory committee shall advise the Administrator on all matters of structural safety in the construction and altering of medical facilities in accordance with the requirements of this section and shall review and make recommendations to the Administrator on the regulations prescribed under this section.

Ex officio members.

"(3) The Associate Deputy Administrator, the Chief Medical Director or the designee of the Chief Medical Director, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such advisory committee.

38 USC 5006.

"§ 5006. Construction contracts

"(a) The Administrator may carry out any construction or alteration authorized under this subchapter by contract if the Administrator considers it to be advantageous to the United States to do so.

"(b)(1) The Administrator may obtain, by contract or otherwise, the services of individuals who are architects or engineers and of architectural and engineering corporations and firms, to the extent that the Administrator may require such services for any medical facility authorized to be constructed or altered under this subchapter.

"(2) No corporation, firm, or individual may be employed under the authority of paragraph (1) of this subsection on a permanent basis.

"(c) Notwithstanding any other provision of this section, the Administrator shall be responsible for all construction authorized under this subchapter, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

38 USC 5007.

"§ 5007. Reports to congressional committees

"(a) In order to promote effective planning for the orderly construction, replacement, and alteration of medical facilities in accordance with the comparative urgency of the need for the services to be provided by such facilities, the Administrator shall submit to each committee an annual report on the construction, replacement, and alteration of medical facilities. Such report shall be submitted to the committees on the same day each year and shall contain—

Contents.

"(1) a five-year plan for the construction, replacement, or alteration of those medical facilities that, in the judgment of the Administrator, are most in need of construction, replacement, or alteration;

"(2) a list, in order of priority, of not less than ten hospitals that, in the judgment of the Administrator, are most in need of construction or replacement; and

"(3) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for each medical facility included in the five-year plan required under clause (1) of this subsection or the list required under clause (2) of this subsection.

The first such report shall be submitted not later than September 1, 1979, and each succeeding report shall be submitted not later than June 30 of each year.

Medical facility data.

"(b) The Administrator shall submit to each committee not later than January 31 of each year (beginning in 1981) a report showing the location, space, cost, and status of each medical facility the construction, alteration, lease, or other acquisition of which has been approved under section 5004(a) of this title and, in the case of the second and each succeeding report made under this subsection, which was uncompleted as of the date of the last preceding report made under this subsection.

Ante, p. 56.

38 USC 5008.

"§ 5008. Contributions to local authorities

"The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to a medical facility if considered necessary for safe ingress or egress.

"§ 5009. Garages and parking facilities

38 USC 5009.

"(a) The Administrator may construct, alter, operate, and maintain, on reservations of medical facilities, garages and parking facilities for the accommodation of privately owned vehicles of employees of such facilities and vehicles of visitors and other individuals having business at such facilities.

Fees.

"(b)(1) The Administrator may establish and collect (or provide for the collection of) fees for the use of such garages and parking facilities at such rate or rates which the Administrator determines would be reasonable under the particular circumstances; but no fee may be charged for the accommodation of any publicly or privately owned vehicle used in connection with the transportation of a veteran to or from any medical facility for the purposes of examination or treatment or in connection with any visit to any patient in such facility. Employees using such garages shall make such reimbursement therefor as the Administrator may deem reasonable.

Lease of parking facilities.

"(2) The Administrator may contract, by lease or otherwise, with responsible persons, firms, or corporations for the operation of such parking facilities, under such terms and conditions as the Administrator shall prescribe, and without regard to the laws concerning advertising for competitive bids.

Appropriation authorization.

Revolving fund.

"(c)(1) There are authorized to be appropriated such amounts as are necessary to finance in part the construction, alteration, operation, and maintenance of garages and parking facilities (other than the construction or alteration of any garage or parking facility involving the expenditure of more than $2,000,000). Amounts appropriated under the authority of this section, and all income from fees collected for the use of such garages and parking facilities, shall be administered as a revolving fund to effectuate the provisions of this section, but only to the extent provided for in appropriation Acts.

"(2) The revolving fund shall be deposited in a checking account with the Treasurer of the United States, except that such amounts thereof as the Administrator may determine to be necessary to establish and maintain operating accounts for the various garages and parking facilities may be placed in depositories selected by the Administrator.

"§ 5010. Operation of medical facilities

38 USC 5010.

"(a)(1) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than one hundred and twenty-five thousand hospital beds in medical facilities over which the Administrator has direct jurisdiction for the care and treatment of eligible veterans. The Administrator shall staff and maintain, in such a manner as to ensure the immediate acceptance and timely and complete care of patients, sufficient beds and other treatment capacities to accommodate, and provide such care to, eligible veterans applying for admission and found to be in need of hospital care or medical services.

"(2) The Administrator shall maintain the bed and treatment capacities of all Veterans' Administration medical facilities so as to ensure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of hospital, nursing home, and domiciliary care, and of medical services furnished pursuant to section 612 of this title.

38 USC 612; *ante*, p. 47.

Analysis of treatment facilities.

"(3) The Chief Medical Director shall periodically analyze agencywide admission policies and the records of those eligible veterans who apply for hospital care and medical services but are rejected or not immediately admitted or provided such care or services, and the Administrator shall annually advise each committee of the results of such analysis and the number of any additional beds and treatment capacities and the appropriate staffing and funds therefor found necessary to meet the needs of such veterans for such necessary care and services.

Nursing home care.

"(b) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than twelve thousand beds during fiscal year 1980, and during each fiscal year thereafter, for the furnishing of nursing home care to eligible veterans in facilities over which the Administrator has direct jurisdiction. The beds authorized by this subsection shall be in addition to the beds provided for in subsection (a) of this section.

Personnel with linguistic abilities.

"(c) When the Administrator determines, in accordance with regulations which the Administrator shall prescribe, that a Veterans' Administration facility serves a substantial number of veterans with limited English-speaking ability, the Administrator shall establish and implement procedures, upon the recommendation of the Chief Medical Director, to ensure the identification of sufficient numbers of individuals on such facility's staff who are fluent in both the language most appropriate to such veterans and in English and whose responsibilities shall include providing guidance to such veterans and to appropriate Veterans' Administration staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

38 USC 5011.

"§ 5011. Use of Armed Forces facilities

"The Administrator and the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy may enter into agreements and contracts for the mutual use or exchange of use of hospital and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate such facilities properly, or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of eligibles under this title, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

38 USC 5012.

"§ 5012. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under the supervision or control of the Administrator are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.

Filing of notice with Governor of State.

"§ 5013. Property formerly owned by National Home for Disabled Volunteer Soldiers 38 USC 5013.

"If by reason of any defeasance or conditional clause or clauses contained in any deed of conveyance of property to the National Home for Disabled Volunteer Soldiers, which property is owned by the United States, the full and complete enjoyment and use of such property is threatened, the Attorney General, upon request of the President, shall institute in the United States district court for the district in which the property is located such proceedings as may be proper to extinguish all outstanding adverse interests. The Attorney General may procure and accept, on behalf of the United States, by gift, purchase, cession, or otherwise, absolute title to, and complete jurisdiction over, all such property.

"§ 5014. Use of federally owned facilities; use of personnel 38 USC 5014.

"(a) The Administrator, subject to the approval of the President, may use as medical facilities such suitable buildings, structures, and grounds owned by the United States on March 3, 1925, as may be available for such purposes, and the President may by Executive order transfer any such buildings, structures, and grounds to the control and jurisdiction of the Veterans' Administration upon the request of the Administrator.

"(b) The President may require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in the construction and alteration of medical facilities, and the President may employ for such purposes individuals and agencies not connected with the Government, if in the opinion of the President such is desirable, at such compensation as the President may consider reasonable.

"§ 5015. Acceptance of certain property 38 USC 5015.

"The President may accept from any State or other political subdivision, or from any person, any building, structure, equipment, or grounds suitable for the care of disabled persons, with due regard to fire or other hazards, state of repair, and all other pertinent considerations. The President may designate which agency of the Federal Government shall have the control and management of any property so accepted.".

(b)(1) Subchapter II of chapter 81 is amended by redesignating sections 5011, 5012, 5013, and 5014 as sections 5021, 5022, 5023, and 5024, respectively. 38 USC 5011-5014, 5021-5024.

(2) Section 5022(b) (as so redesignated) is amended by striking out the comma and "clinical, medical, and outpatient treatment" after "administrative".

(c) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to subchapter I and all that follows through the item relating to section 5014 and inserting in lieu thereof the following:

"SUBCHAPTER I—ACQUISITION AND OPERATION OF MEDICAL FACILITIES

"Sec.
"5001. Definitions.
"5002. Acquisition of medical facilities.
"5003. Authority to construct and alter, and to acquire sites for, medical facilities.
"5004. Congressional approval of certain medical facility acquisitions.
"5005. Structural requirements.
"5006. Construction contracts.
"5007. Reports to congressional committees.
"5008. Contributions to local authorities.
"5009. Garages and parking facilities.
"5010. Operation of medical facilities.
"5011. Use of Armed Forces facilities.
"5012. Partial relinquishment of legislative jurisdiction.
"5013. Property formerly owned by National Home for Disabled Volunteer Soldiers.
"5014. Use of federally owned facilities; use of personnel.
"5015. Acceptance of certain property.

"SUBCHAPTER II—PROCUREMENT AND SUPPLY

"5021. Revolving supply fund.
"5022. Authority to procure and dispose of property and to negotiate for common services.
"5023. Procurement of prosthetic appliances.
"5024. Grant of easements in Government-owned lands.".

EFFECTIVE DATES

38 USC 5001 note.
Ante, p. 55.

SEC. 302. (a) Except as provided in subsection (b) of this section, the amendments made by section 301 shall take effect on October 1, 1979.

38 USC 5001.

(b)(1) The amendments made by section 301 shall not apply with respect to the acquisition, construction, or alteration of any medical facility (as defined in section 5001(3) of title 38, United States Code, as amended by section 301(a) of this Act) if such acquisition, construction, or alteration (not including exchange) was approved before October 1, 1979, by the President.

38 USC 5007.

(2) The provisions of section 5007(a) of title 38, United States Code, as amended by section 301(a) of this Act, shall take effect on the date of the enactment of this Act.

TITLE IV—BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

CHILDREN ADOPTED UNDER LAWS OF FOREIGN COUNTRIES

38 USC 101.

SEC. 401. Paragraph (4) of section 101 is amended—

(1) by inserting "(A)" before "The" and redesignating clauses (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(B) For the purposes of subparagraph (A) of this paragraph, in the case of an adoption under the laws of any jurisdiction other than a State (as defined in section 101(20) of this title and including the Commonwealth of the Northern Mariana Islands)—

38 USC 1766.

"(i) a person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the lifetime of such veteran (including for purposes of this subparagraph a Commonwealth Army veteran or new Philippine Scout, as defined in section 1766 of this title) unless such person—

"(I) was less than eighteen years of age at the time of adoption;

"(II) is receiving one-half or more of such person's annual support from such veteran;

"(III) is not in the custody of such person's natural parent, unless such natural parent is such veteran's spouse; and

"(IV) is residing with such veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which such person is residing apart from such veteran (or such divorced spouse) for purposes of full-time attendance at an educational institution or during which such person or such veteran (or such divorced spouse) is confined in a hospital, nursing home, other health-care facility, or other institution; and

"(ii) a person shall not be considered to have been a legally adopted child of a veteran as of the date of such veteran's death and thereafter unless—

"(I) at any time within the one-year period immediately preceding such veteran's death, such veteran was entitled to and was receiving a dependent's allowance or similar monetary benefit under this title for such person; or

"(II) for a period of at least one year prior to such veteran's death, such person met the requirements of clause (i) of this subparagraph.".

STUDY OF BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

SEC. 402. (a) The Administrator of Veterans' Affairs, in consultation with the Secretary of State, shall carry out a comprehensive study of benefits payable under the provisions of title 38, United States Code, to persons who reside outside the fifty States and the District of Columbia. The Administrator shall include in such study—

38 USC 101 note.

38 USC 101 *et seq.*

(1) an analysis of the issues involved in the payment of such benefits to persons who reside outside the fifty States and the District of Columbia, together with analyses of such aspects of the economy of each foreign country and each territory, possession, and Commonwealth of the United States in which a substantial number of persons receiving such benefits reside as are relevant to such issues (such as the rate of inflation, the standard of living, and health care, educational, housing, and burial costs);

(2) an analysis of the issues involved in the payment of such benefits as the result of adoptions under laws other than the laws of any of the fifty States or the District of Columbia;

(3) an analysis of the amounts and method of payment of benefits payable to persons entitled, by virtue of sections 107 and 1765 of such title, to benefits under chapters 11, 13, and 35 of such title;

38 USC 107, 1765.
38 USC 301, 401, 1700.

(4) estimates of the present and future costs of paying monetary benefits under such title to persons described in clauses (1) and (3);

(5) an evaluation of the desirability of continuing to maintain the Veterans' Administration Regional Office in the Republic of the Philippines, taking into consideration (A) the current and expected future workloads of such office, (B) the estimated cost in fiscal years 1981 through 1985 of continuing to maintain such regional office, (C) the feasibility and desirability of transferring appropriate functions of such regional office to the United States

Veterans' Administration Regional Office in the Republic of the Philippines, continuance evaluation.

Embassy in the Republic of the Philippines, and (D) a provisional plan, which the Administrator shall develop, for the closing of such office and so transferring such functions, together with cost estimates for fiscal years 1981 through 1985 for the implementation of such plan assuming that such office is closed before October 1, 1981; and

38 USC 401.

(6) an evaluation of the effects of the amendments to such title made by section 401 of this Act.

Report to Congress and President.

(b) Not later than February 1, 1980, the Administrator shall report to the Congress and to the President on the results of such study together with the Administrator's recommendations for resolving the issues to be analyzed and evaluated in such study.

38 USC 521 note.

(c) The Administrator shall (1) carry out the study required under subsection (a) of this section in conjunction with the study required under section 308(a) of the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588), and (2) submit the reports of such studies as a combined report.

TITLE V—MISCELLANEOUS PROVISIONS

ACCEPTANCE OF PAYMENT FOR TRAVEL OF EMPLOYEES

38 USC 4108.

SEC. 501. Section 4108 is amended by adding after subsection (c) the following new subsection:

Regulations.

"(d) Notwithstanding any other provision of law, the Administrator may prescribe regulations establishing conditions under which officers and employees of the Department of Medicine and Surgery who are nationally recognized principal investigators in medical research may be permitted, in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Veterans' Administration, or in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Veterans' Administration, to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals, for travel and such reasonable subsistence expenses as are approved by the Administrator pursuant to such regulations, to be retained by such officers and employees to cover the cost of such expenses or deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.".

CONFIRMATION OF DEPUTY ADMINISTRATOR OF VETERANS' AFFAIRS

38 USC 210.

SEC. 502. (a) The first sentence of section 210(d) is amended by striking out "by the Administrator" and inserting in lieu thereof "by the President, by and with the advice and consent of the Senate".

Effective date.
38 USC 210 note.

(b)(1) The amendment made by subsection (a) shall take effect (A) on the date on which a vacancy first occurs in the office of Deputy Administrator of Veterans' Affairs after the date of the enactment of this Act or on such earlier date as the President submits to the Senate, for the advice and consent of the Senate, the nomination of any individual for appointment to such office, or (B) on the date of the enactment of this Act if such office is vacant on such date.

Acting Administrator of Veterans' Affairs, designation.

(2) The Administrator of Veterans' Affairs may designate the individual holding the office of Deputy Administrator of Veterans' Affairs on the date of the enactment of this Act, or any other individual, to serve in such office in an acting capacity pending the

first appointment of an individual to such office as provided for in the amendment made by subsection (a).

OVERSEAS AUTHORITIES

SEC. 503. (a) Section 230 is amended by striking out subsection (c). 38 USC 230.

(b) Section 235 is amended— 38 USC 235.

(1) in the matter preceding clause (1), by striking out "or to the Veterans' Administration office in Europe, established pursuant to section 230(c) of this title,";

(2) in clause (2), by striking out "and (7)" and inserting in lieu thereof "(7), and (11)"; and

(3) by inserting after clause (5) the following new clauses:

"(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 30 days in connection with the return to the United States of the employee and such employee's immediate family). 5 USC 5724.

"(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).".

(c)(1) The section heading of section 235 is amended to read as follows:

"§ 235. Benefits to employees at overseas offices who are United States citizens". 38 USC 235.

(2) The item relating to such section in the table of sections at the beginning of chapter 3 is amended to read as follows:

"235. Benefits to employees at overseas offices who are United States citizens.".

(d) The amendment made by subsection (b)(3) shall take effect on October 1, 1979. Effective date. 38 USC 235 note.

CONFORMING AMENDMENTS TO REFLECT PREVIOUS ADJUSTMENTS MADE IN DEPARTMENT OF MEDICINE AND SURGERY SALARY SCHEDULES

SEC. 504. (a) Subsection (a) of section 4107 is amended to read as follows: 38 USC 4107.

"(a) The annual rates or ranges of rates of basic pay for positions provided in section 4103 of this title shall be as follows: 38 USC 4103.

"SECTION 4103 SCHEDULE

"Chief Medical Director, $68,909.

"Deputy Chief Medical Director, $66,104.

"Associate Deputy Chief Medical Director, $63,315.

"Assistant Chief Medical Director, $61,449.

"Medical Director, $52,429 minimum to $59,421 maximum.

"Director of Nursing Service, $52,429 minimum to $59,421 maximum.

"Director of Podiatric Service, $44,756 minimum to $56,692 maximum.

"Director of Chaplain Service, $44,756 minimum to $56,692 maximum.

"Director of Pharmacy Service, $44,756 minimum to $56,692 maximum.

"Director of Dietetic Service, $44,756 minimum to $56,692 maximum.

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"Director of Optometric Service, $44,756 minimum to $56,692 maximum.".

(b) Paragraph (1) of subsection (b) of such section is amended to read as follows:

38 USC 4104.

"(1) The grades and annual ranges of rates of basic pay for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, $44,756 minimum to $56,692 maximum.
"Executive grade, $41,327 minimum to $53,729 maximum.
"Chief grade, $38,160 minimum to $49,608 maximum.
"Senior grade, $32,442 minimum to $42,171 maximum.
"Intermediate grade, $27,453 minimum to $35,688 maximum.
"Full grade, $23,087 minimum to $30,017 maximum.
"Associate grade, $19,263 minimum to $25,041 maximum.

"NURSE SCHEDULE

"Director grade, $38,160 minimum to $49,608 maximum.
"Assistant Director grade, $32,442 minimum to $42,171 maximum.
"Chief grade, $27,453 minimum to $35,688 maximum.
"Senior grade, $23,087 minimum to $30,017 maximum.
"Intermediate grade, $19,263 minimum to $25,041 maximum.
"Full grade, $15,920 minimum to $20,699 maximum.
"Associate grade, $13,700 minimum to $17,813 maximum.
"Junior grade, $11,712 minimum to $15,222 maximum.

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

"Chief grade, $38,160 minimum to $49,608 maximum.
"Senior grade, $32,442 minimum to $42,171 maximum.
"Intermediate grade, $27,453 minimum to $35,688 maximum.
"Full grade, $23,087 minimum to $30,017 maximum.
"Associate grade, $19,263 minimum to $25,041 maximum.".

STUDY OF HOME MODIFICATIONS FOR TOTALLY BLINDED SERVICE-CONNECTED VETERANS

Report to congressional committees.
38 USC 612 note.

SEC. 505. The Administrator of Veterans' Affairs shall submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1979, on the needs of veterans who are totally blind from service-connected causes for home modifications the cost of which exceed the amount allowable for such purposes under section 612(a) of title 38, United States Code, and on the reasons why such veterans have not applied for home health services under such section 612(a).

38 USC 612.

Approved June 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-140 accompanying H.R. 1608 (Comm. on Veterans' Affairs) and No. 96-223 (Comm. of Conference).
SENATE REPORTS: No. 96-100 (Comm. on Veterans' Affairs) and No. 96-195 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 16, considered and passed Senate.
May 21, H.R. 1608 considered and passed House; proceedings vacated and S. 7, amended, passed in lieu.
May 30, House agreed to conference report.
June 4, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 24:
June 14, Presidential statement.

Public Law 96-23
96th Congress

An Act

June 13, 1979
[S. 709]

To authorize appropriations for the Coast Guard for fiscal years 1980 and 1981, and for other purposes.

U.S. Coast Guard. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1980, as follows:

(1) for the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction: $1,058,357,000;

(2) for the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto: $292,811,000, to remain available until expended;

(3) for the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation: $14,900,000, to remain available until expended; and

(4) for research, development, test, and evaluation: $25,525,000, to remain available until expended.

Active duty personnel strength, authorization.

SEC. 2. For fiscal year 1980, the Coast Guard is authorized an end of year strength for active duty personnel of 39,578: *Provided,* That the ceiling shall not include members of the Ready Reserve called to active duty under the authority of section 764 of title 14, United States Code.

Military training student loads, authorization.

SEC. 3. For fiscal year 1980, average military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training: 3,940 students;

(2) flight training: 110 students;

(3) professional training in military and civilian institutions: 438 students; and

(4) officer acquisitions: 940 students.

Number of commissioned officers.

SEC. 4. Subsection 42(a) of title 14, United States Code, is amended to read as follows:

"(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,000.".

SEC. 5. (a) Subsection 432(g) of title 14, United States Code, is amended by striking out "$7,500" in the fourth sentence and inserting "$15,000" in its place so that, in pertinent part, it reads as follows: ". . . In no case shall basic compensation exceed $15,000 per annum, except . . . .".

(b) The Coast Guard may issue retroactive pay to its remaining civilian lighthouse keepers in an amount equal to the difference between what the keeper actually received and what he would have received under the General Schedule salary rates had there not been a statutory limitation of $7,500 on his annual salary. This amount is to be calculated from the time at which his salary reached the statutory limitation to the date of enactment of this Act. 14 USC 432 note.

Approved June 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-118 accompanying H.R. 2295 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-134 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 17, considered and passed Senate.

May 31, H.R. 2295 considered and passed House; passage vacated and S. 709 passed in lieu.

Public Law 96-24
96th Congress

An Act

June 19, 1979
[H.R. 3915]

To amend title IV of the Employee Retirement Income Security Act of 1974 to postpone for 10 months the date on which the corporation must pay benefits under terminated multiemployer plans.

Employee Retirement Income Security Act of 1974, amendment.
29 USC 1381.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 4082(c) of title IV of the Employee Retirement Income Security Act of 1974 (relating to effective dates; special rules) as amended by Public Law 95-214, is further amended—**

(1) by striking "July 1, 1979" in paragraphs (1), (2), and (4) and substituting "May 1, 1980" in each such paragraph; and

(2) by striking "June 30, 1979" in paragraphs 2(B) and 4(D) and substituting "April 30, 1980" in each such paragraph.

Approved June 19, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-215 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 4, considered and passed House.
June 6, considered and passed Senate.

Public Law 96-25
96th Congress

An Act

To amend the Shipping Act, 1916, to strengthen the provisions prohibiting rebating practices in the United States foreign trades.

June 19, 1979
[S. 199]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shipping Act Amendments of 1979".

Shipping Act Amendments of 1979.
46 USC 842 note.

SEC. 2. Section 16 of the Shipping Act, 1916, is amended by striking "$5,000" in the sixth paragraph, and inserting, in lieu thereof, "$25,000".

Increased civil penalties.
46 USC 815.

SEC. 3. Section 18(b) of the Shipping Act, 1916, is amended by deleting subsection (6) thereof and by adding the following new language in lieu thereof:

Increased penalties.
46 USC 817.

"(6) Whoever violates any provision of this section, other than subsection (b)(3) hereof involving rebates or refunds shall be subject to a civil penalty of not more than $5,000 for each day such violation continues.

"(7) Whoever violates subsection (b)(3) hereof by means of rebates or refunds, shall be subject to a civil penalty of not more than $25,000 for each shipment on which a rebate or refund was paid and to suspension by the Commission of any or all tariffs filed by or on behalf of such carrier, or suspension of that carrier's right to utilize any or all tariffs of conferences of which that carrier may be a member, for a period not to exceed twelve months. Any carrier whose tariffs or rights of use thereof have been suspended pursuant to this paragraph and who accepts cargo for carriage during the suspension period which cargo otherwise would have been governed by the provisions of the suspended tariff(s) shall be subject to a civil penalty of not more than $50,000 for each shipment so accepted.

"For purposes of this subsection and section 22(c) of this Act, a shipment shall mean all of that cargo, the carriage of which is evidenced by a single bill of lading.".

Post, p. 72.

SEC. 4. Section 21 of the Shipping Act, 1916, is amended by designating the existing two paragraphs as subsection "(a)" and by adding a new subsection (b) as follows:

Written certifications.
46 USC 820.

"(b) The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act, to file a periodic, written certification under oath with the Commission attesting to—

"(1) a policy prohibiting the payment, solicitation, or receipt of any rebate which is unlawful under the provisions of this Act;

"(2) the fact that such policy has been promulgated recently to each owner, officer, employee, and agent thereof;

"(3) the details of the efforts made, within the company or otherwise, to prevent or correct illegal rebating; and

"(4) full cooperation with the Commission in its investigation of illegal rebating or refunds in United States foreign trades, and in its efforts to end such illegal practices.

The Commission may by regulation prescribe the form and content of any certification required under the authority of this subsection. Failure to file any such certification shall result in a civil penalty of not more than $5,000 for each day such violation continues.".

Violation, penalty.

46 USC 821.

SEC. 5. Section 22 of the Shipping Act, 1916, is amended as follows:

(a) designate the two existing paragraphs as "(a)" and "(b)", respectively;

(b) amend subsection (b), as designated by this Act, by deleting therefrom the phrase "except as to orders for the payment of money,"; and

(c) immediately after subsection (b), as designated by this Act, insert the following:

Adjudicatory investigation.

"(c)(1) In addition to, and without limiting the authority granted to the Commission by subsections (a) and (b) hereof, the Commission may, on its own motion, institute an adjudicatory investigation into possible violations of section 16 (other than paragraphs First and Third) involving rebates or refunds in foreign commerce or violations of section 18(b)(3) involving rebates or refunds, with the powers set forth in subsection (c)(2) hereof in addition to those already contained in sections 27, 43, and other sections of this Act.

46 USC 815.
46 USC 817.
46 USC 826, 841a.

Suspension of tariffs.

"(2) Failure on the part of any common carrier, respondent to a proceeding instituted pursuant to subsection (c)(1), or any other person directly or indirectly controlling, controlled by, or under common control with such respondent carrier, to comply with any subpena or any duly issued order compelling an answer to interrogatories or to designated questions propounded by deposition or compelling production of documents in relation to any investigation conducted under subsection (c)(1), shall authorize the Commission to issue an order to show cause why any or all tariffs filed pursuant to section 18(b) of this Act, by or on behalf of the respondent carrier, or any or all rights of the respondent carrier to utilize such tariffs in the case of conference tariffs, should not be suspended until that carrier or any person directly or indirectly controlling, controlled by, or under common control with such carrier, has fully responded to the pertinent deposition, interrogatory, production request or motion, or subpena, and after such proceeding, to so suspend those tariffs or the respondent carrier's rights to utilize such tariffs. Any carrier whose tariff(s) or rights of use thereof have been suspended pursuant to this subparagraph and who accepts cargo for carriage during the suspension period which cargo otherwise would have been governed by the provisions of the suspended tariff(s) shall be subject to a civil penalty of not more than $50,000 for each shipment so accepted.

46 USC 817; *ante*, p. 71.

"(3) If, in defense of its failure to comply with a subpena or discovery order issued in relation to any investigation conducted under subsection (c)(1), a common carrier alleges documents or information are located in a foreign country and cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of such failure to comply and of the allegation relating to foreign laws. Upon receiving such notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

Suspension order; submittal to President. *Ante*, p. 71.

"(4) Before any tariff suspension ordered pursuant to subsection (c)(2), or section 18(b)(7) of this Act, becomes effective, it shall be immediately submitted to the President who may, within ten days after receiving it, disapprove any such order if he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.".

SEC. 6. Section 23 of the Shipping Act, 1916, is amended by deleting therefrom the language ", other than for the payment of money,".

46 USC 822.

SEC. 7. Section 27 of the Shipping Act, 1916, is amended by deleting from subsection (b) thereof the phrase "other than for the payment of money".

46 USC 826.

SEC. 8. Section 29 of the Shipping Act, 1916, is amended by deleting therefrom the phrase "other than an order for the payment of money,".

46 USC 828.

SEC. 9. Section 30 of the Shipping Act, 1916, is amended in the initial and final paragraphs thereof by deleting the phrase "for the payment of money" and by inserting, in lieu thereof, the phrase "for the payment of reparation".

46 USC 829.

SEC. 10. Section 32 of the Shipping Act, 1916, is amended by inserting at the end thereof the following new subsections:

46 USC 831.

"(d) No penalty shall be imposed on any person for conspiracy after August 29, 1972: (1) to rebate or refund in violation of the initial paragraph or paragraph Second of section 16, or under section 18(b)(3) of this Act; or (2) to defraud the Commission by concealment of such rebates or refunds in any manner.

46 USC 815.
46 USC 817.

"(e) Notwithstanding any other provision of law, the Commission shall have authority to assess or compromise all civil penalties provided in this Act: *Provided, however,* That, in order to assess such penalties a formal proceeding under section 22 of this Act shall be commenced within five years from the date when the violation occurred.".

46 USC 321;
ante, p. 72.

SEC. 11. The provisions of this Act, including the amendments made by this Act, shall become effective immediately upon its date of enactment.

Effective date.
46 USC 815 note.

Approved June 19, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-232 accompanying H.R. 3055 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-147 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- May 23, considered and passed Senate.
- June 4, H.R. 3055 considered and passed House; passage vacated and S. 199, amended, passed in lieu.
- June 5, Senate agreed to House amendments.

Public Law 96-26
96th Congress

An Act

June 21, 1979
[H.R. 3577]

To amend section 8 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980, and for other purposes.

National Advisory Committee on Oceans and Atmosphere Act of 1977, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857-18) is amended—

(1) by striking out "1978, and" in the first sentence and inserting in lieu thereof "1978,",

(2) by striking out "1979." in the first sentence and inserting in lieu thereof "1979, $565,000 for the fiscal year ending September 30, 1980 and $600,000 for the fiscal year ending September 30, 1981.", and

(3) by striking the second sentence.

Approved June 21, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-116 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-131 accompanying S. 951 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 14, considered and passed House.
June 4, considered and passed Senate, amended, in lieu of S. 951.
June 14, House concurred in Senate amendment.

Public Law 96-27
96th Congress

An Act

To authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes.

June 21, 1979
[H.R. 3879]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act entitled "An Act to provide for an independent audit of the financial condition of the government of the District of Columbia", approved September 4, 1976, is amended by inserting immediately before the last sentence thereof the following: "In addition to the amount authorized by the preceding sentence and for the purposes set forth therein, there are authorized to be appropriated, for the fiscal year ending September 30, 1979, the sum of $9,000,000, and for the fiscal year ending September 30, 1980, the sum of $13,000,000, one-half of which sums shall be from funds in the Treasury not otherwise appropriated and one-half from funds in the Treasury to the credit of the District of Columbia.".

D.C. Temporary Commission on Financial Oversight of the District of Columbia, additional appropriations.
D.C. Code 47-101 note.

Sec. 2. (a) The first section of the Act entitled "An Act to provide for an independent audit of the financial condition of the government of the District of Columbia", approved September 4, 1976 (D.C. Code, sec. 47-101 note), is amended by inserting "(a)" before "there is hereby".

(b) Subsections (h), (i), and (j) of section 2 of such Act are amended by striking out "Commission" each place it appears therein and inserting in lieu thereof "commission".

D.C. Code 47-101 note.

Approved June 21, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-130 accompanying H.R. 3879 and No. 96-131 accompanying H.R. 3672 (both from Comm. on the District of Columbia).
SENATE REPORT No. 96-139 accompanying S. 905 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 17, considered and passed House.
May 24, considered and passed Senate, amended, in lieu of S. 905.
June 13, House concurred in Senate amendment.

Public Law 96-28
96th Congress

An Act

June 22, 1979
[S. 869]

To amend section 207 of title 18, United States Code.

Ethics in Government Act of 1978, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 207 of title 18, United States Code, as amended by the Act of October 26, 1978 (Public Law 95-521, section 501(a); 92 Stat. 1864) is amended as follows: In clause (ii), strike "concerning" and insert "by personal presence at"; and in subparagraph (3), before "which was" insert ", as to (i)," and after "responsibility, or" insert ", as to (ii),".

SEC. 2. Subsection (d) of section 207 of title 18, United States Code, is amended to read as follows:

"(d)(1) Subsection (c) of this section shall apply to a person employed—

5 USC 5311.

"(A) at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code, or a comparable or greater rate of pay under other authority;

"(B) on active duty as a commissioned officer of a uniformed service assigned to pay grade of O-9 or above as described in section 201 of title 37, United States Code; or

5 USC 5332 note.

5 USC 1101 note.

"(C) in a position which involves significant decision-making or supervisory responsibility, as designated under this subparagraph by the Director of the Office of Government Ethics, in consultation with the department or agency concerned. Only positions which are not covered by subparagraphs (A) and (B) above, and for which the basic rate of pay is equal to or greater than the basic rate of pay for GS-17 of the General Schedule prescribed by section 5332 of title 5, United States Code, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978, or positions of active duty commissioned officers of the uniformed services assigned to pay O-7 or O-8, as described in section 201 of title 37, United States Code, may be designated. As to persons in positions designated under this subparagraph, the Director may limit the restrictions of subsection (c) to permit a former officer or employee, who served in a separate agency or bureau within a department or agency, to make appearances before or communications to persons in an unrelated agency or bureau, within the same department or agency, having separate and distinct subject matter jurisdiction, upon a determination by the Director that there exists no potential for use of undue influence or unfair advantage based on past government service. On an annual basis, the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his responsibilities under this paragraph.

Departments and agencies, cooperation.

"(2) The prohibition of subsection (c) shall not apply to appearances, communications, or representation by a former officer or employee, who is—

"(A) an elected official of a State or local government, or

"(B) whose principal occupation or employment is with (i) an agency or instrumentality of a State or local government, (ii) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (iii) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization.". 20 USC 1141. 26 USC 501.

Approved June 22, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-115 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Apr. 9, considered and passed Senate.
  May 16, 24, considered and passed House, amended.
  June 14, Senate concurred in House amendments, with an amendment.
  June 15, House concurred in Senate amendment to House amendment No. 1 and receded from House amendment No. 2.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 25:
  June 22, Presidential statement.

Public Law 96-29
96th Congress

An Act

June 27, 1979
[S. 429]

To authorize supplemental appropriations for fiscal year 1979 for procurement of aircraft, missiles, and naval vessels and for research, development, test, and evaluation for the Armed Forces, and for other purposes.

Department of Defense Supplemental Appropriation Authorization Act, 1979.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Supplemental Appropriation Authorization Act, 1979".

TITLE I—PROCUREMENT

92 Stat. 1611.

SEC. 101. In addition to the funds authorized to be appropriated under title I of the Department of Defense Appropriation Authorization Act, 1979, funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Air Force and the Navy for procurement of aircraft, missiles, and naval vessels, as authorized by law, in amounts as follows:

(1) For aircraft: for the Air Force, $45,000,000.
(2) For missiles: for the Navy, $143,700,000.
(3) For naval vessels: for the Navy, $1,450,700,000.

SEC. 102. There is authorized to be appropriated for fiscal year 1979 the sum of $80,100,000 to be available only for contribution by the United States of its share of the cost for such fiscal year of the acquisition by the North Atlantic Treaty Organization of the Airborne Early Warning and Control System (AWACS).

SEC. 103. (a) During fiscal year 1979, the Secretary of Defense, in carrying out the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978, may—

(1) waive reimbursement for the cost of the following functions performed by personnel other than personnel employed in the United States Air Force Airborne Warning and Control System (AWACS) program office:

(A) auditing;
(B) quality assurance;
(C) codification;
(D) inspection;
(E) contract administration;
(F) acceptance testing;
(G) certification services; and
(H) planning, programming, and management services;

(2) waive any surcharge for administrative services otherwise chargeable; and

(3) in connection with the NATO E-3A Cooperative Programme for fiscal year 1979, assume contingent liability for—

(A) program losses resulting from the gross negligence of any contracting officer of the United States;

(B) identifiable taxes, customs duties, and other charges levied within the United States on the program; and

(C) the United States share of the unfunded termination liability.

(b) Authority under this section to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. In addition to the funds authorized to be appropriated under title II of the Department of Defense Appropriation Authorization Act, 1979, funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Armed Forces for research, development, test, and evaluation, as authorized by law, in amounts as follows: 92 Stat. 1612.

(1) For the Army, $43,700,000.

(2) For the Navy, $3,000,000.

(3) For the Air Force, $253,800,000.

SEC. 202. (a) It is the sense of the Congress that maintaining a survivable land-based intercontinental ballistic missile system is vital to the security of the United States and that development of a new basing mode for land-based intercontinental ballistic missiles is necessary to assure the survivability of the land-based system. To this end, the development of the MX missile, together with a new basing mode for such missile, should proceed so as to achieve Initial Operational Capability (IOC) for both such missile and such basing mode at the earliest practicable date. 10 USC 139 note.

(b) In addition, it is the sense of the Congress that the basing mode for the MX missile should be restricted to location on the least productive land available that is suitable for such purpose.

(c) In accordance with the sense of Congress expressed in subsection (a), the Secretary of Defense shall proceed immediately with full scale engineering development of the missile basing mode known as the Multiple Protective Structure (MPS) system concurrently with full scale engineering development of the MX missile, unless and until the Secretary of Defense certifies to the Congress that an alternative basing mode is militarily or technologically superior to, and is more cost effective than, the MPS system or the President informs the Congress that in his view the MPS system is not consistent with United States national security interests.

(d) Nothing in this section shall be construed to prohibit or restrict the study of alternative basing modes for land-based intercontinental ballistic missiles.

Approved June 27, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-90 accompanying H.R. 2575 (Comm. on Armed Services) and No. 96-282 (Comm. of Conference).

SENATE REPORTS: No. 96-62 (Comm. on Armed Services) and No. 96-223 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 2, 3, considered and passed Senate.

May 31, H.R. 2575 considered and passed House; passage vacated and S. 429, amended, passed in lieu.

June 18, Senate agreed to conference report.

June 21, House agreed to conference report.

Public Law 96-30
96th Congress

An Act

June 30, 1979
[S. 1317]

To extend the existing antitrust exemption for oil companies that participate in the Agreement on an International Energy Program.

Oil companies, extension of antitrust exemption.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 252(j) of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6272(j)) is amended by striking out "June 30, 1979" and inserting in lieu thereof "October 31, 1979".

Approved June 30, 1979.

LEGISLATIVE HISTORY:
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 26, considered and passed Senate.
June 27, 28, considered and passed House.

Public Law 96-31
96th Congress

An Act

To provide the Secretary of Agriculture with authority to reduce marketing penalties for peanuts.

July 7, 1979
[S. 984]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective for the 1978 through 1981 crops of peanuts, section 359 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359), is amended by adding at the end thereof a new subsection (k) as follows:

Peanut marketing penalties, reduction.
7 USC 1359 note.

"(k) Notwithstanding any other provision of this section, the amount of any penalty assessed under this section may be reduced, in accordance with regulations issued by the Secretary, if the Secretary determines that the marketing subject to the penalty was done unintentionally or unknowingly and that a reduction in the amount of the penalty would not impair the effective operation of the price support program for peanuts.".

Approved July 7, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-213 accompanying H.R. 3575 (Comm. on Agriculture).
SENATE REPORT No. 96-118 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 10, considered and passed Senate.
  June 25, H.R. 3575 considered and passed House; passage vacated and S. 984 passed in lieu.

Public Law 96-32
96th Congress

Joint Resolution

July 10, 1979
[S.J. Res. 14]

To amend the Public Health Service Act and related health laws to correct printing and other technical errors.

Public Health Service Act, amendment.
42 USC 300a-2.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (3)(B) of subsection (b) of the first section of Public Law 95-613 (92 Stat. 3093) is amended by striking out "1979; $3,600,000 for the fiscal year ending September 30, 1980;" and inserting in lieu thereof "1979, $120,800,000 for the fiscal year ending September 30,".

Effective date.
42 USC 300a-2 note.

(b) The amendment made by subsection (a) shall be effective as of November 8, 1978.

42 USC 300e-3.

SEC. 2. (a) Section 3(c)(2)(B) of the Health Maintenance Organization Amendments of 1978 (Public Law 95-559) is amended by inserting "of this subsection" after "paragraph (3)".

42 USC 300e.

(b) Section 11(a) of such Amendments is amended by striking out "section 1310(b)" and inserting in lieu thereof "section 1301(b)".

42 USC 1320a-1.

(c) Section 14(b)(1) of such Amendments is amended by striking out "organizations" and inserting in lieu thereof "organization".

(d) Section 1305(b)(1) of the Public Health Service Act (42 U.S.C. 300e-4(b)(1)) (as amended by section 4(a)(1) of such Amendments) is amended by striking out "$4,000,000" each place it occurs and inserting in lieu thereof "$4,500,000".

42 USC 300e-4a.

(e) Section 1305A(c)(1) of the Public Health Service Act (42 U.S.C. 300e-4(c)(1)) (as added by section 5 of such Amendments) is amended by striking out "The" and inserting in lieu thereof "the".

(f) Section 1310(e)(1) of the Public Health Service Act (42 U.S.C. 300e-9(e)(1)) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a), (b), or (c)".

42 USC 6081.

SEC. 3. (a) Section 504(b)(3) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Public Law 95-602) is amended by striking out "to the" and inserting in lieu thereof "for the".

42 USC 6009.

(b) Section 506(a)(3) of such Amendments is amended by striking out "that such State" and inserting in lieu thereof "that each State".

SEC. 4. Section 1802 of the Public Health Service Act (42 U.S.C. 300v-1) (added by section 301 of Public Law 95-622) is amended by striking out "(b) DEFINITIONS" and inserting in lieu thereof "(f) DEFINITIONS".

42 USC 242b.

SEC. 5. (a) Section 3(b) of the Health Services Research, Health Statistics, and Health Care Technology Act of 1978 (Public Law 95-623) is amended by striking out "second time" and inserting in lieu thereof "third time".

(b) Section 3(d) of such Act is amended by striking out "Section 304(d)(3)" and inserting in lieu thereof "Section 304(b)(3)".

42 USC 242b.

(c) Subsection (e) of section 304 of the Public Health Service Act (42 U.S.C. 242c(e)) (added by section 7 of the Health Services Research, Health Statistics, and Health Care Technology Act of 1978) is redesignated as subsection (d).

(d) Subsection (f)(2)(A) of section 309 of the Public Health Service Act (42 U.S.C. 242n) (added by section 6(c) of the Health Services Research, Health Statistics, and Health Care Technology Act of 1978) is amended by striking out "Chief Medical Officer" and inserting in lieu thereof "Chief Medical Director".

SEC. 6. (a) Paragraph (7)(L) of section 329(a) of the Public Health Service Act (42 U.S.C. 247d(a)(7)(L)) (as amended by section 103(a)(3) of the Health Services and Centers Amendments of 1978 (Public Law 95-626)) is amended by striking out "; and" and inserting in lieu thereof a period.

42 USC 254b.

(b) Section 104(d)(5) of the Health Services and Centers Amendments of 1978 is amended by striking out "Paragraph (2) of subsection (e)" and inserting in lieu thereof "Paragraph (3) (as so redesignated) of subsection (e)".

42 USC 254c.

(c) The last sentence of section 330(g)(2) of the Public Health Service Act (42 U.S.C. 254c(g)(2)) (as amended by section 104(f)(3) of such Amendments) is amended by striking out "this subsection" and inserting in lieu thereof "this paragraph".

(d) Paragraph (4) of section 330(g) of the Public Health Service Act (42 U.S.C. 254c(g)(4)) (as amended by section 104(f)(4) of such Amendments) is redesignated as paragraph (3).

(e) In paragraph (2)(C)(ii) of the amendment to section 314(d) of the Public Health Service Act made by section 201(b)(2) of such Amendments strike out "uniform national reporting system" and insert in lieu thereof "uniform national health program reporting system".

92 Stat. 3570.
42 USC 246.

(f) In the last sentence of paragraph (4)(A) of the amendment to section 314(d) of the Public Health Service Act (42 U.S.C. 246(d)(4)(A)) made by section 201(b)(2) of such Amendments (1) strike out "Notwithstanding clauses (i) and (ii)" and insert in lieu thereof "Notwithstanding the preceding provisions of this subparagraph", (2) strike out "the amounts determined" and insert in lieu thereof "the amount determined", and (3) insert before the period a comma and the following: "except that if the amount appropriated for a fiscal year is equal to or less than the amount appropriated for the fiscal year ending September 30, 1979, the total amount of grants for a State health authority shall be an amount which bears the same ratio to the amount appropriated as the total amount of grants received by such authority from the appropriations for the fiscal year ending September 30, 1979, bears to the amount appropriated for that fiscal year".

(g) Section 202 of such Amendments is amended by striking out "Effective October 1, 1979" and inserting in lieu thereof "Effective October 1, 1978".

42 USC 247b note.

(h) Section 315(d) of the Public Health Service Act (42 U.S.C. 247(d)) (added by section 203 of such Amendments) is amended by striking out "subsection (l)" each place it occurs and inserting in lieu thereof "subsection (k)".

(i) Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) (as amended by section 202 of such Amendments) is amended (1) by striking out "or (3)" in paragraph (4) and inserting in lieu thereof "(3), or (4)", (2) by redesignating paragraph (4) as paragraph (5), and (3) by inserting after paragraph (3) the following new paragraph:

"(4) For the purpose of grants under subsection (a) for establishing and maintaining community and school-based fluoridation programs, there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1980, and $5,000,000 for the fiscal year ending September 30, 1981."

42 USC 247c.

(j) Section 204(c)(2) of such Amendments is amended by striking out "demonstration," and inserting in lieu thereof "demonstrations,".

(k) Section 1707(f) of the Public Health Service Act (42 U.S.C. 300u-6(f)) (added by section 501 of such Amendments) is amended by striking out "section 503(d) of this Act" and inserting in lieu thereof "section 1708(c)".

42 USC 300u-7.

(l) Subsection (d) of section 1708 of the Public Health Service Act (42 U.S.C. 300u-8(d)) (added by section 501 of such Amendments) is redesignated as subsection (c).

SEC. 7. (a) Title II of the Public Health Service Act is amended by inserting above section 221 (42 U.S.C. 213a) the following title heading:

"RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND SURVIVING BENEFICIARIES".

42 USC 247e.

(b) Section 320(a) of the Public Health Service Act (42 U.S.C. 255(a)) (as amended by section 105 of Public Law 95-626) is amended by striking out "under section 332 or 361 of this Act" and inserting in lieu thereof "under subsection (b) or section 361".

(c) Section 330(d)(1)(B) of the Public Health Service Act (42 U.S.C. 254c(d)(1)(B)) is amended by striking out "subsection (e)(2)" and inserting in lieu thereof "subsection (e)(3)".

(d) Section 332(a)(2)(C) of the Public Health Service Act (42 U.S.C. 254e(a)(2)(C)) is amended by striking out "part D of title III" and inserting in lieu thereof "section 320".

(e) Subpart 3 of part F of title III of the Public Health Service Act is amended by inserting above section 360A (42 U.S.C. 263i) the following section heading:

"INSPECTION AND REPORTS".

(f) Section 404(a)(7) of the Public Health Service Act (42 U.S.C. 285(a)(7)) is amended by inserting a comma after "general public".

42 USC 254j.

(g) Sections 208(c), 337(b)(2), 436A(d), 440(d), and 1503(c)(3) of the Public Health Service Act (42 U.S.C. 210(c), 289c-3a(d), 289c-7(d), 300k-3(c)(3)) are each amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

42 USC 295g-9.

(h) Subsections (a) and (b) of section 12 of the Emergency Medical Services Amendments of 1976 (Public Law 94-573) are each amended by striking out "Section 776" and inserting in lieu thereof "Section 789".

(i) Section 751(g)(3) of the Public Health Service Act (42 U.S.C. 294t(g)(3)) is amended by striking out "section 5303" and inserting in lieu thereof "section 5305".

(j) Section 839(a) of the Public Health Service Act (42 U.S.C. 297e(a)) is amended by striking out "September 30, 1977" and inserting in lieu thereof "December 31, 1980".

(k) Section 853(6) of the Public Health Service Act (42 U.S.C. 298b(6)) is amended by striking out "this clause (3)" and inserting in lieu thereof "this clause".

(l) Section 1203(c)(2) of the Public Health Service Act (42 U.S.C. 300d-2(c)(2)) is amended by striking out "the first at least" and inserting in lieu thereof "at least the first".

42 USC 300l-2.

(m) Section 1513(e)(1)(A)(i) of the Public Health Service Act (42 U.S.C. 300l-2(e)(1)(A)(i)) is amended by inserting "of 1972" after "Treatment Act".

(n) Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by inserting "(other than grants and contracts under sections 1707, 1708, and 1709)" after "this title".

42 USC 300u-6, 300u-7, 300u-8.

SEC. 8. (a)(1) Section 103 of the Community Mental Health Centers Extension Act of 1978 (Public Law 95-622) is amended by adding at the end the following new subsection:

Effective date. 42 USC 2689b note.

"(c) The amendments made by this section shall take effect with respect to grants made under section 203 of the Community Mental Health Centers Act from appropriations made for fiscal years ending after September 30, 1977."

42 USC 2689b.

(2) Section 110(b) of Public Law 95-622 is amended (A) by inserting "(1)" after "(b)", and (B) by adding at the end the following:

Effective date. 42 USC 2689b note.

"(2) The amendment made by paragraph (1) shall take effect with respect to grants made under section 203(e) of the Community Mental Health Centers Act from appropriations made for fiscal years ending after September 30, 1977."

(3) Section 111 of Public Law 95-622 is amended by striking out "section 110(c)" and inserting in lieu thereof "sections 103, 110(b)(1), and 110(c)".

42 USC 2689 note.

(b) Section 206(c)(2)(B) of the Community Mental Health Centers Act (42 U.S.C. 2689e(c)(2)(B)) is amended by inserting "and" at the end of clause (iii).

42 USC 2689b, 2689m.

Approved July 10, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-187 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Jan. 18, considered and passed Senate.
  June 25, considered and passed House, amended.
  June 27, Senate agreed to House amendments.

Public Law 96-33
96th Congress

An Act

July 16, 1979
[H.R. 4556]

To amend section 1521 of the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to extend conditional designations of State health planning and development agencies.

Public Health Service Act, amendment.
42 USC 300m.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the first sentence of section 1521(b)(2)(B) of the Public Health Service Act is amended to read as follows: "The period of an agreement described in subparagraph (A) shall not extend beyond July 31, 1979, or thirty-six months after such agreement has been entered into, whichever comes later.".**

Approved July 16, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
June 25, considered and passed House.
June 27, considered and passed Senate, amended.
June 28, House concurred in Senate amendment.

Public Law 96-34
96th Congress

Joint Resolution

July 17, 1979
[H.J. Res. 353]

Congratulating the men and women of the Apollo program upon the tenth anniversary of the first manned landing on the Moon and requesting the President to proclaim the period of July 16 through 24, 1979, as "United States Space Observance".

Whereas the decision by this Nation to land men on the Moon and return them safely to Earth was a bold decision unlike any other; and

Whereas the success of the Apollo program, America's manned missions to the Moon, represented an unparalleled triumph of this country's scientific and technological genius; and

Whereas the vitality of the partnership between American industry, Government, and universities was demonstrated by the Apollo missions and their pioneering predecessors, Mercury and Gemini; and

Whereas the steadfast courage of the Apollo astronauts recalls the heroic spirit of earlier Americans and serves as models for skill and bravery in the future; and

Whereas the openness and peaceful nature of Apollo underscores the freedoms and desire for peace so characteristic of American society; and

Whereas the vision of planet Earth, floating in a sea of vast darkness as photographed by the men aboard the Apollo spacecraft, has altered forever our view of ourselves and of our fragile world; and

Whereas the National Aeronautics and Space Administration and other organizations throughout the world involved in space exploration have cooperated in the cause of peaceful exploration of space for the benefit of all mankind; and

Whereas in the week of July 16 through 24, 1969, the people of the world were brought closer together by the first manned exploration of the Moon: Now, therefore, be it

United States Space Observance. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress upon the tenth anniversary of the first manned landing on the Moon congratulates the men and women who made Apollo possible; and be it further

Resolved, That the President is authorized and requested to issue a proclamation designating the period of July 16 through 24, 1979, as "United States Space Observance", and calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

Approved July 17, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-320 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 96-240 accompanying S.J. Res. 77 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 10, considered and passed House.
July 12, considered and passed Senate.

Public Law 96-35
96th Congress

An Act

To authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel, and for other purposes.

July 20, 1979
[S. 1007]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Special International Security Assistance Act of 1979.
22 USC 3401 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Special International Security Assistance Act of 1979".

STATEMENT OF POLICY AND FINDINGS

22 USC 3401.

SEC. 2. (a) It is the policy of the United States to support the peace treaty concluded between the Government of Egypt and the Government of Israel on March 26, 1979. This treaty is a significant step toward a full and comprehensive peace in the Middle East. The Congress urges the President to continue to exert every effort to bring about a comprehensive peace and to seek an end by all parties to the violence which could jeopardize this peace.

(b) The peace treaty between Egypt and Israel having been ratified, the Congress finds that the national interests of the United States are served—

(1) by authorizing the President to construct air bases in Israel to replace the Israeli air bases on the Sinai peninsula that are to be evacuated;

(2) by authorizing additional funds to finance procurements by Egypt and Israel through the fiscal year 1982 of defense articles and defense services for their respective security requirements; and

(3) by authorizing additional funds for economic assistance for Egypt in order to promote the economic stability and development of that country and to support the peace process in the Middle East.

(c) The authorities contained in this Act to implement certain arrangements in support of the peace treaty between Egypt and Israel do not signify approval by the Congress of any other agreement, understanding, or commitment made by the executive branch.

CONSTRUCTION OF AIR BASES IN ISRAEL

SEC. 3. Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—AIR BASE CONSTRUCTION IN ISRAEL

22 USC 2349.

"SEC. 561. GENERAL AUTHORITY.—The President is authorized—

"(1) to construct such air bases in Israel for the Government of Israel as may be agreed upon between the Government of Israel and the Government of the United States to replace the Israeli air bases located at Etzion and Etam on the Sinai peninsula that are to be evacuated by the Government of Israel; and

"(2) for purposes of such construction, to furnish as a grant to the Government of Israel, on such terms and conditions as the President may determine, defense articles and defense services, which he may acquire from any source, of a value not to exceed the amount appropriated pursuant to section 562(a).

22 USC 2349a.

"SEC. 562. AUTHORIZATION AND UTILIZATION OF FUNDS.—(a) There is authorized to be appropriated to the President to carry out this chapter not to exceed $800,000,000, which may be made available until expended.

Obligations and contracts.

"(b) Upon agreement by the Government of Israel to provide to the Government of the United States funds equal to the difference between the amount required to complete the agreed construction work and the amount appropriated pursuant to subsection (a) of this section, and to make those funds available, in advance of the time when payments are due, in such amounts and at such times as may be required by the Government of the United States to meet those additional costs of construction, the President may incur obligations and enter into contracts to the extent necessary to complete the agreed construction work, except that this authority shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(c) Funds made available by the Government of Israel pursuant to subsection (b) of this section may be credited to the appropriation account established to carry out the purposes of this section for the payment of obligations incurred and for refund to the Government of Israel if they are unnecessary for that purpose, as determined by the President. Credits and the proceeds of guaranteed loans made available to the Government of Israel pursuant to the Arms Export Control Act, as well as any other source of financing available to it, may be used by Israel to carry out its undertaking to provide such additional funds.

22 USC 2751 note.

22 USC 2349b.

"SEC. 563. WAIVER AUTHORITIES.—(a) It is the sense of the Congress that the President should take all necessary measures consistent with law to insure the efficient and timely completion of the construction authorized by this chapter, including the exercise of authority vested in him by section 633(a) of this Act.

22 USC 2393.

22 USC 2396.

"(b) The provisions of paragraph (3) of section 636(a) of this Act shall be applicable to the use of funds available to carry out this chapter, except that no more than sixty persons may be engaged at any one time under that paragraph for purposes of this chapter.".

SUPPLEMENTAL AUTHORIZATION OF FOREIGN MILITARY SALES LOAN GUARANTIES FOR EGYPT AND ISRAEL

22 USC 3402.

SEC. 4. (a) The Congress finds that the legitimate defense interests of Israel and Egypt require a one time extraordinary assistance package due to Israel's phased withdrawal from the Sinai and Egypt's shift from reliance on Soviet weaponry. The authorizations contained in this section do not, however, constitute Congressional approval of the sale of any particular weapons system to either country. These sales will be reviewed under the normal procedures set forth in section 36(b) of the Arms Export Control Act.

22 USC 2776.

22 USC 2771.

(b) In addition to amounts authorized to be appropriated for the fiscal year 1979 by section 31(a) of the Arms Export Control Act, there is authorized to be appropriated to the President to carry out that Act $370,000,000 for the fiscal year 1979.

(c) Funds made available pursuant to subsection (b) of this section may be used only for guaranties for Egypt and Israel pursuant to section 24(a) of the Arms Export Control Act. The principal amount of loans guaranteed with such funds may not exceed $3,700,000,000 of which $2,200,000,000 shall be available only for Israel and $1,500,000,000 shall be available only for Egypt. The principal amount of such guaranteed loans shall be in addition to the aggregate ceiling authorized for the fiscal year 1979 by section 31(b) of the Arms Export Control Act.

22 USC 2764.

22 USC 2771.

Repayment.

(d) Loans guaranteed with funds made available pursuant to subsection (b) of this section shall be on terms calling for repayment within a period of not less than thirty years, including an initial grace period of ten years on repayment of principal.

(e)(1) The Congress finds that the Governments of Israel and Egypt each have an enormous external debt burden which may be made more difficult by virtue of the financing authorized by this section. The Congress further finds that, as a consequence of the impact of the debt burdens incurred by Israel and Egypt under such financing, it may become necessary in future years to modify the terms of the loans guaranteed with funds made available pursuant to this section.

Reports, transmittal to Speaker of the House and congressional committees.

(2) In order to assist the Congress in determining whether any such modification is warranted, the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, by January 15 of each year, an annual report regarding economic conditions prevailing in Israel and Egypt which may affect their respective ability to meet their obligations to make payments under the financing authorized by this section. In addition to such annual report, the President shall transmit a report containing such information within thirty days after receiving a request therefor from the chairman of the Committee on Foreign Relations of the Senate or from the chairman of the Committee on Foreign Affairs of the House of Representatives.

SUPPLEMENTAL AUTHORIZATION OF ECONOMIC SUPPORT FOR EGYPT

22 USC 3403.

22 USC 2346 *et seq.*

SEC. 5. There is authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $300,000,000 for the fiscal year 1979 for Egypt, in addition to amounts otherwise authorized to be appropriated for such chapter for the fiscal year 1979. The amounts appropriated pursuant to this section may be made available until expended.

TRANSFER OF FACILITIES OF THE SINAI FIELD MISSION TO EGYPT

22 USC 3404.

SEC. 6. The President is authorized to transfer to Egypt, on such terms and conditions as he may determine, such of the facilities and related property of the United States Sinai Field Mission as he may determine, upon the termination of the activities of the Sinai Field Mission in accordance with the terms of the peace treaty between Egypt and Israel.

CONTRIBUTIONS BY OTHER COUNTRIES TO SUPPORT PEACE IN THE MIDDLE EAST

22 USC 3405.
Consultation.

SEC. 7. (a) It is the sense of the Congress that other countries should give favorable consideration to providing support for the implementation of the peace treaty between Egypt and Israel. Therefore, the Congress requests that the President consult with other countries in order to (1) promote and develop an agreement for the establishment of a peace development fund whose purpose would be to underwrite the costs of implementing a Middle East peace, and (2) encourage investments in Israel and Egypt and other countries in the region should they join in Middle East peace agreements.

Report to Congress.

(b) Not later than January 31, 1980, the President shall report to the Congress with regard to (1) the efforts made by the United States to consult with other countries in order to increase the economic assistance provided by other donors to Egypt and Israel and to others in the region participating in the peace process, and (2) the impact on Egypt's economy of Arab sanctions against Egypt.

PLANNING FOR TRILATERAL SCIENTIFIC AND TECHNOLOGICAL COOPERATION BY EGYPT, ISRAEL, AND THE UNITED STATES

22 USC 3406.

SEC. 8. (a) It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should be prepared to participate, at an appropriate time, in trilateral cooperative projects of a scientific and technological nature involving Egypt, Israel, and the United States.

Plan, development by President.

(b) Therefore, the President shall develop a plan to guide the participation of both United States Government agencies and private institutions in such projects. This plan shall identify—

(1) potential projects in a variety of areas appropriate for scientific and technological cooperation by the three countries, including agriculture, health, energy, the environment, education, and water resources;

(2) the resources which are available or which would be needed to implement such projects; and

(3) the means by which such projects would be implemented.

Transmittal to Congress.

(c) The President shall transmit the plan developed pursuant to subsection (b) to the Congress within twelve months after the date of enactment of this Act.

REPORT ON COSTS TO THE UNITED STATES OF IMPLEMENTING THE PEACE TREATY BETWEEN EGYPT AND ISRAEL

Report, submittal to Congress.
22 USC 3407.

SEC. 9. Not later than ninety days after the date of enactment of this Act, the President shall submit to the Congress a detailed and comprehensive report on the costs to the United States Government associated with implementation of the peace treaty between Egypt and Israel. The report shall include estimates of all costs of any kind to any department or agency of the United States Government which may result from United States activities in support of the peace treaty.

NON-PROLIFERATION OF NUCLEAR WEAPONS

Sec. 10. In accordance with the Nuclear Non-Proliferation Act of 1978, the Congress strongly encourages all countries in the Middle East which are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to become parties to that Treaty.

22 USC 3408.
22 USC 3201 note.
21 UST 483.

Approved July 20, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-161 accompanying H.R. 4035 (Comm. on Foreign Affairs).
SENATE REPORT No. 96-113 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 14, considered and passed Senate.
  May 30, H.R. 4035 considered and passed House; passage vacated and S. 1007, amended, passed in lieu.
  June 21, Senate concurred in House amendments with an amendment.
  June 28, House concurred in Senate amendment.

Public Law 96-36
96th Congress

An Act

July 20, 1979
[S. 927]

To authorize the Smithsonian Institution to plan for the development of the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street, Southwest, in the city of Washington.

Original Smithsonian Institution Building, adjacent land development.
20 USC 50 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to plan for the development of the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street, Southwest, in the city of Washington.

Appropriation authorization.
20 USC 50 note.

SEC. 2. Effective October 1, 1979, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $500,000 to carry out the purposes of this Act.

Funds, transfer to GSA.
20 USC 50 note.

SEC. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.

Approved July 20, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-140 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 21, considered and passed Senate.
July 9, H.R. 3504 considered and passed House; passage vacated and S. 927 passed in lieu.

Public Law 96-37
96th Congress

An Act

To amend the Federal Trade Commission Act to exempt savings and loan institutions from the application of certain provisions contained in such Act.

July 23, 1979
[H.R. 3978]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) is amended by inserting after "banks," the following: "savings and loan institutions described in section 18(f)(3),".

Federal Trade Commission Act, amendment.
Savings and loan institutions, certain exemptions.
15 USC 57a.

(b)(1) Section 6(a) of the Federal Trade Commission Act (15 U.S.C. 46(a)) is amended by inserting after "banks" the following: ", savings and loan institutions described in section 18(f)(3),".

(2) Section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) is amended by inserting after "banks" the following: "savings and loan institutions described in section 18(f)(3),".

(3) The proviso at the end of section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended—

(A) by inserting after "banks" the following: ", savings and loan institutions described in section 18(f)(3),"; and

(B) by inserting ", in business as a savings and loan institution," after "banking".

(c)(1) Section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(A) in the first sentence thereof—

(i) by inserting "or savings and loan institutions described in paragraph (3)" after "banks" each place it appears therein; and

(ii) by inserting "or (3)" after "(2)";

(B) in the second sentence thereof, by inserting after "System" the following: "(with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3))"; and

(C) in the last sentence thereof—

(i) by inserting "each" before "such Board" the first place it appears therein;

(ii) by striking out "such Board finds that (A)" and inserting in lieu thereof "(A) either such Board finds that";

(iii) by inserting "or savings and loan institutions described in paragraph (3), as the case may be," after "banks" the first and second places it appears therein;

(iv) by inserting after "or (B)" the following: "the Board of Governors of the Federal Reserve System finds"; and

(v) by striking out "the Board" and inserting in lieu thereof "such Board".

(2) Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended by redesignating paragraphs (3), (4), and (5) thereof as paragraphs (4), (5), and (6), respectively, and by inserting after paragraph (2) thereof the following new paragraph:

Compliance with regulations, enforcement.

"(3) Compliance with regulations prescribed under this subsection shall be enforced under section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) with respect to Federal savings and loan associations, section 407 of the National Housing Act (12 U.S.C. 1730) with respect to insured institutions, and sections 6(i) and 17 of the Federal Home Loan Bank Act (12 U.S.C. 1426(i), 1437) with respect to savings and loan institutions which are members of a Federal Home Loan Bank, by a division of consumer affairs to be established by the Federal Home Loan Bank Board pursuant to the Federal Home Loan Bank Act.".

Approved July 23, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-265, Pt. I (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 9, considered and passed House.
July 10, considered and passed Senate.

Public Law 96-38
96th Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 1979, and for other purposes.

July 25, 1979
[H.R. 4289]

Supplemental Appropriations Act, 1979.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations Act, 1979") for the fiscal year ending September 30, 1979, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

OFFICE OF THE INSPECTOR GENERAL

Funds appropriated under this heading in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1979, shall be available for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978.

92 Stat. 1074.

5 USC app.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities" of the Agricultural Research Service, $1,020,000.

The limitation on the alteration and repair of buildings under this heading in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1979, shall not apply to the alteration and repair of the Insect Rearing Facility at Brownsville, Texas.

92 Stat. 1074.

FOOD SAFETY AND QUALITY SERVICE

For an additional amount for "Food Safety and Quality Service" for State grants for meat and poultry inspection, $750,000.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount for insured "operating loans", $100,000,000.

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", $116,500,000, including $6,077,000 for the State administrative expenses: *Provided,* That only claims for reimbursement for meals served during fiscal year 1979 submitted to State agencies prior to January 1, 1980, shall be eligible for reimbursement: *Provided further,* That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966, as amended, shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture.

42 USC 1776a.
42 USC 1776.
42 USC 1751 note.
42 USC 1771 note.

FOOD STAMP PROGRAM

For an additional amount for the "Food Stamp Program", $900,000,000, of which $520,300,000 shall be available only upon the enactment of authorizing legislation: *Provided,* That this amount shall be available for obligation only through September 30, 1979.

FOOD DONATIONS PROGRAMS

ELDERLY FEEDING PROGRAM

For an additional amount to carry out the provisions of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f), $27,000,000.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

Military Personnel

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $56,200,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", $28,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", $900,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", $42,400,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve personnel, Air Force", $2,800,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard personnel, Army", $2,000,000.

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense", $128,662,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $10,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,900,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and Maintenance, Defense Agencies", $600,000.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $8,600,000, to remain available for obligation until September 30, 1981.

SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for "Shipbuilding and Conversion, Navy", $1,353,000,000, to remain available for obligation until September 30, 1983. During the current fiscal year, subject to the notification and approval procedures specified in section 834 of the Department of Defense Appropriation Act, 1979, appropriations available to the Department of Defense for "Shipbuilding and Conversion, Navy" may be transferred between such appropriations or any subdivisions thereof, to be merged with and to be available for the same purposes, and for the same period, as the appropriation or subdivision to which transferred. 92 Stat. 1250.

AIRCRAFT PROCUREMENT, AIR FORCE

(TRANSFER OF FUNDS)

For an additional amount for "Aircraft procurement, Air Force", $80,100,000 to be derived by transfer from "Aircraft procurement, Air

Force, 1977/1979", which shall be available for contribution of the United States' share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States' share of contingent liability in connection with the NATO E-3A Cooperative Programme, as authorized by law, to remain available for obligation until September 30, 1979.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", $800,000, to remain available for obligation until September 30, 1981.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test, and Evaluation, Army", $5,000,000, to remain available for obligation until September 30, 1980.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test, and Evaluation, Navy", $3,000,000, to remain available for obligation until September 30, 1980.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test, and Evaluation, Air Force", $190,000,000, to remain available for obligation until September 30, 1980.

GENERAL PROVISIONS

Transfer of funds.

Appropriations or funds available to the Department of Defense may be transferred to fiscal year 1979 Department of Defense appropriations for Research, Development, Test, and Evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law.

Foreign Currency Fluctuations, Defense.
31 USC 628-2.

Funds transferred from the appropriation "Foreign Currency Fluctuations, Defense" during the current fiscal year or hereafter may be transferred back to that appropriation from an appropriation to which they were transferred, if the funds are not needed to finance obligations incurred due to fluctuations in currency exchange rates in the appropriation to which they were transferred because of subsequent favorable fluctuations in currency exchange rates or because other funds are, or become, available to liquidate such obligations: *Provided*, That transfers authorized by this provision may not be made after the end of the second fiscal year following the fiscal year the appropriation to which the funds were previously transferred is available for obligation.

CHAPTER III

DEPARTMENT OF ENERGY

ENERGY, SCIENCE AND DEFENSE ACTIVITIES

OPERATING EXPENSES

For an additional amount for "Energy, Science and Defense Activities Operating Expenses", $12,800,000, to remain available until expended.

PLANT AND CAPITAL EQUIPMENT

For an additional amount for "Energy, Science and Defense Activities Plant and Capital Equipment", $23,500,000, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

For an additional amount for the "Federal Energy Regulatory Commission", $2,700,000, to remain available until expended: *Provided*, That none of these funds or any other funds available to the Commission shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general", $21,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $106,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

COLORADO RIVER BASIN PROJECT

(TRANSFER OF FUNDS)

For additional advances to the "Lower Colorado River Basin Development Fund", for the construction, operation, and maintenance of projects authorized, $20,000,000, to remain available until expended, of which $5,000,000 is to be derived by transfer from appropriations available for "Construction and Rehabilitation" and $15,000,000 is to be derived by transfer from amounts appropriated for liquidation of contract authority under section 303(b) of the 1968 Colorado River Basin Project Act (82 Stat. 894). 43 USC 1523.

BUREAU OF RECLAMATION

GENERAL ADMINISTRATIVE EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "General Administrative Expenses", $1,900,000 to be derived by transfer from appropriations available for "Construction and Rehabilitation".

INDEPENDENT AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for "Appalachian regional development programs", $10,000,000, to be derived by transfer from appropriations available for "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Construction, General", to remain available until expended.

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

92 Stat. 1693.
42 USC 1962b-3 note.

For an additional amount for "Water resources planning", $2,000,000 to initiate the Upper Mississippi River Master Plan as required by Public Law 95-502, to remain available until expended.

CHAPTER IV

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $856,000.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic support fund" for Turkey, $100,000,000, to remain available until expended.

MILITARY ASSISTANCE

92 Stat. 1594.

The paragraph under the heading "Military assistance" in the Foreign Assistance and Related Programs Appropriations Act, 1979 (Public Law 95-481), is amended by deleting "$210,375,000" and inserting in lieu thereof "$235,375,000, including reimbursements".

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic support fund" for Egypt, $300,000,000, to remain available until expended.

ASSISTANCE FOR RELOCATION OF FACILITIES IN ISRAEL

For necessary expenses to carry out the provisions of chapter 7 of the Foreign Assistance Act of 1961, as amended, $800,000,000, to remain available until expended: *Provided*, That authority to enter into contracts may be exercised to the extent necessary to carry out the purposes of that chapter.

Ante, p. 89.

FOREIGN MILITARY CREDIT SALES

For an additional amount for "Foreign military credit sales" for Egypt and Israel, $370,000,000.

INDEPENDENT AGENCY

ACTION—INTERNATIONAL PROGRAMS

PEACE CORPS

For an additional amount for "Operating expenses, international programs", $3,221,000.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $108,910,000: *Provided*, That funds from this appropriation shall be used to reimburse other agencies or accounts for costs incurred in connection with the movement of refugees: *Provided further*, That funds from this appropriation may be made available to reimburse voluntary agencies for expenses, including interest, incurred by such agencies during fiscal year 1979 for care, movement and resettlement of refugees.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States emergency refugee and migration assistance fund", $17,200,000, to remain available until expended.

CHAPTER V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION

NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

For contracts, grants, and other assistance, not otherwise provided for, to neighborhood organizations as authorized by the Neighborhood Self-Help Development Act of 1978 (42 U.S.C. 8121-8124), $5,000,000, to remain available until September 30, 1980.

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster relief", $194,000,000, to remain available until expended.

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,190,000, to remain available until September 30, 1980.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $185,000,000, to remain available until September 30, 1980.

NATIONAL COMMISSION ON AIR QUALITY

SALARIES AND EXPENSES

The limitation on travel expenses for the National Commission on Air Quality for fiscal year 1979 is increased by $40,000: *Provided,* That this increase will be available for the payment of travel expenses incurred by the Commission at any time during the fiscal year.

NATIONAL CONSUMER COOPERATIVE BANK

SALARIES AND EXPENSES

For necessary administrative expenses and technical assistance of the National Consumer Cooperative Bank, including the Office of Self-Help Development and Technical Assistance, as authorized by sections 112 and 209 of the National Consumer Cooperative Bank Act (12 U.S.C. 3022 and 3049), $1,500,000: *Provided,* That none of these funds shall be used to retire any of the indebtedness of the National Consumer Cooperative Bank.

SELF-HELP DEVELOPMENT

For advances by the Office of Self-Help Development and Technical Assistance as authorized by section 202 of the National Consumer Cooperative Bank Act (12 U.S.C. 3042), $1,000,000, to remain available until September 30, 1980.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $600,000.

DEPARTMENT OF THE TREASURY

INVESTMENT IN NATIONAL CONSUMER COOPERATIVE BANK

For the purchase of class A stock issued by the National Consumer Cooperative Bank as authorized by section 104 of the National Consumer Cooperative Bank Act (12 U.S.C. 3014), $1,000,000, to remain available until September 30, 1980: *Provided,* That such amount shall also be the limit on the aggregate amount of commitments by the Bank to make or to guarantee loans in accordance with section 108 of the Act (12 U.S.C. 3018).

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $1,129,400,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $301,700,000, to remain available until expended.

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $3,091,000.

ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

For an additional amount for "Assistance for health manpower training institutions", $57,468,000, to remain available until September 30, 1985.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants as authorized by law (38 U.S.C. 631-634), $500,000, of which $50,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended.

Ante, p. 53.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

The limitation on administrative expenses of the Federal Home Loan Bank Board is increased by $50,000.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $52,603,000, of which $7,753,000 shall remain available through September 30, 1980.

Heritage Conservation and Recreation Service

URBAN PARK AND RECREATION FUND

92 Stat. 3538.
16 USC 2501 note.

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625), $20,000,000, to remain available until September 30, 1980: *Provided*, That not to exceed $250,000 of such amount may be used to reimburse the "Salaries and expenses" account of the Heritage Conservation and Recreation Service.

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", $1,727,000.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $7,000,000.

Office of Territorial Affairs

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of territories", $3,312,000, to remain available until expended.

RELATED AGENCIES

Department of Agriculture

Forest Service

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", $57,245,000.

Department of Energy

ENERGY CONSERVATION

For an additional amount for "Energy Conservation", $1,200,000.

ECONOMIC REGULATORY ADMINISTRATION

For an additional amount for "Economic Regulatory Administration", $8,600,000.

ENERGY INFORMATION ADMINISTRATION

For an additional amount for "Energy Information Administration", $1,000,000.

Smithsonian Institution

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $200,000.

Pennsylvania Avenue Development Corporation

LAND ACQUISITION AND DEVELOPMENT FUND

For an additional amount for "Land acquisition and development fund", $19,600,000.

PUBLIC DEVELOPMENT

For an additional amount for "Public development", $17,900,000, to remain available for obligation until September 30, 1990.

CHAPTER VII

DEPARTMENT OF LABOR

Employment and Training Administration

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $8,900,000.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $500,000,000, to remain available until September 30, 1980.

Employment Standards Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,218,000.

BLACK LUNG DISABILITY TRUST FUND

For an additional amount for payments from the "Black Lung Disability Trust Fund", $300,000,000, for payments of benefits and interest on advances.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

42 USC 241.

For an additional amount for "Health services" for carrying out title III of the Public Health Service Act, $4,969,000.

CENTER FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

For an additional amount for "Preventive health services", $12,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

42 USC 300.

For an additional amount for the National Institute of Child Health and Human Development, for carrying out title X of the Public Health Service Act, $7,500,000.

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

42 USC 295g-8.
92 Stat. 1567.

Section 788(b)(4) of the Public Health Service Act shall not apply to any grant made under section 788(b) of that Act from funds appropriated under the provision headed "Health resources" in the Department of Health, Education, and Welfare Appropriations Act, 1979.

ASSISTANT SECRETARY FOR HEALTH

SALARIES AND EXPENSES

92 Stat. 3595.
42 USC 300a-21.
92 Stat. 3601.
42 USC 300a-41.
92 Stat. 3602.
42 USC 300a-21 note.
42 USC 300e.
42 USC 300e-16.
42 USC 300e-2, 300e-3.

For an additional amount for "Salaries and expenses" for carrying out titles VI, VII, and VIII of the Health Services and Centers Amendments of 1978 and title XIII of the Public Health Service Act, $11,000,000, including $1,500,000 for section 1317 of the Public Health Service Act: *Provided*, That funds for carrying out sections 1303(i) and 1304(k) of the Public Health Service Act which are unobligated on September 30, 1979 shall be available through September 30, 1980.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For an additional amount for "Grants to States for Medicaid", $554,429,000.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and secondary education", $150,000,000, for title I, part A, section 117, of the Elementary and Secondary Education Act, to become available for obligation on July 1, 1979, and to remain available until September 30, 1980.

92 Stat. 2159.
20 USC 2722.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

Appropriations under this head for fiscal year 1979 in the amount of $6,073,000 for State advisory councils under section 105 of the Vocational Education Act of 1963 shall be used, first, to provide a basic amount to each State equal to the amount it received in the previous fiscal year ($5,066,000), and secondly, to provide that each State, the District of Columbia, Puerto Rico, and the Virgin Islands shall not receive less than $93,500, and that American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands shall each receive not less than $91,135 ($1,007,000).

20 USC 2305.

STUDENT LOAN INSURANCE FUND

For an additional amount for "Student Loan Insurance Fund", $243,189,000, to remain available until expended.

SPECIAL PROJECTS AND TRAINING

For an additional amount for "Special Projects and Training", $300,000.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Educational activities overseas (special foreign currency program)" $500,000 to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

ASSISTANCE PAYMENTS PROGRAM

For an additional amount for "Assistance payments program", $1,200,000.

REFUGEE ASSISTANCE

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), the Indochina Migration and Refugee Assistance Act of 1975, as amended by Public Law 95-549, and other domestic refugee assistance, $59,964,000: *Provided,* That none of these funds shall be available for obligation after September 30, 1979.

22 USC 2601 note.
92 Stat. 2066.

HUMAN DEVELOPMENT SERVICES

GRANTS TO STATES FOR SOCIAL AND CHILD WELFARE SERVICES

For an additional amount for "Grants to States for social and child welfare services", $188,548,000.

HUMAN DEVELOPMENT SERVICES

29 USC 720.
29 USC 730.
29 USC 796e.
42 USC 3030e.
42 USC 3001 note.

For an additional amount for "Human development services", $151,528,000, of which $47,528,000 shall be for activities under section 100(b)(1) of the Rehabilitation Act of 1973, as amended; $9,484,000 shall be for section 110(b)(3), and $2,000,000 for section 711 of such Act; $22,500,000 shall be for meeting State requirements to maintain operating levels for activities under part C of title III of the Older Americans Act during fiscal year 1979; and $3,000,000, to remain available until expended, shall be for carrying out the 1981 White House Conference on Aging Act.

RESEARCH AND TRAINING ACTIVITIES OVERSEAS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Human Development Services and the Social Security Administration as authorized by law, $1,000,000 to remain available until expended: *Provided*, That this appropriation shall be available, addition to other appropriations to such office and administration for payments in the foregoing currencies.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

92 Stat. 2411.
47 USC 396 and note.

For payment to the Corporation for Public Broadcasting, as authorized by the Public Broadcasting Financing Act of 1978, for the fiscal year 1981, $162,000,000: *Provided*, That these funds shall not be used to pay for receptions, parties, and similar forms of entertainment for government officials or employees: *Provided further*, That these funds shall not be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion, or sex.

NATIONAL COMMISSION ON SOCIAL SECURITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, to remain available until September 30, 1981.

Railroad Retirement Board

REGIONAL RAIL TRANSPORTATION PROTECTIVE ACCOUNT

For an additional amount for payment of benefits under section 509 of the Regional Rail Reorganization Act of 1973, to remain available until expended, $18,870,000: *Provided,* That, notwithstanding any other provisions of law, the unexpended amount provided for this account in Public Law 94-206 shall remain available until expended. 45 USC 779. 90 Stat. 24.

LIMITATION ON SALARIES AND EXPENSES

The "Limitation on salaries and expenses" is increased by $1,000,000, which shall be available only for a benefit accuracy project.

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD

For necessary expenses of the "National Commission on the International Year of the Child", including services as authorized by 5 U.S.C. 3109, $685,000, to remain available until expended.

GENERAL PROVISION

Section 301(a)(1) of Public Law 95-164 is amended by adding the following sentence at the end thereof: "Effective on the date of enactment of this Act, Health and Safety Academy is transferred to the Secretary of Labor.". 30 USC 961.

Paragraph (1) of section 502(c) of Public Law 91-173 as amended by section (h) of Public Law 95-164 is amended by striking out: "Department of the Interior" and inserting in lieu thereof "Department of Labor", and striking out "Secretaries of Labor and Interior" and inserting in lieu thereof "Secretary of Labor". 30 USC 952.

Paragraph (2) of section 502(c) of Public Law 91-173 as amended by section 303(h) of Public Law 95-164 is deleted. 30 USC 952.

CHAPTER VIII

LEGISLATIVE BRANCH

Senate

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $1,594,000.

ADMINISTRATIVE PROVISIONS

Sec. 101. Effective October 1, 1979, the President pro tempore is authorized to appoint and fix the compensation of such employees as he deems appropriate: *Provided,* That the gross compensation paid to such employees shall not exceed $123,000 each fiscal year: *Provided further,* That the positions established by the Supplemental Appropriations Act, 1977, for the Office of the President pro tempore are abolished effective October 1, 1979. 2 USC 61k. 91 Stat. 79.

Sec. 102. Effective October 1, 1979, the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority are each authorized to appoint and fix the compensation of such 2 USC 61g-4.

employees as they deem appropriate: *Provided,* That the gross compensation paid to such employees shall not exceed $70,000 each fiscal year for each Secretary: *Provided further,* That the positions established by the Supplemental Appropriations Act, 1977, for the Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority are abolished effective October 1, 1979.

91 Stat. 80.

2 USC 61d.

2 USC 61d-1.

SEC. 103. Effective January 15, 1979, the compensation of the Chaplain of the Senate shall be $34,398 per annum in lieu of $24,948 per annum, and the Chaplain may appoint and fix the compensation of a secretary at not to exceed $20,034 per annum in lieu of not to exceed $16,632 per annum. The Chaplain may authorize such change in the compensation of his secretary on such effective date if certified in writing to the disbursing office of the Senate not later then ten days after the date of the enactment of this Act. During the fiscal year ending September 30, 1979, the compensation of the Chaplain and his secretary may be paid out of any funds available in any appropriation under the headings "SENATE", "Salaries, officers and employees" in any appropriation Act.

SEC. 105. Effective on the first day of the first month which begins after the date of the enactment of this Act—

2 USC 126-1.

(1) the maximum annual rate of compensation of the Chief Reporter of Debates, Office of the Secretary of the Senate, shall be the maximum rate prescribed in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1(f));

(2) the maximum annual rate of compensation of the Registrar, Office of the Secretary of the Senate, is increased to $24,948; and

(3) the title of a Reference Assistance, Office of the Secretary of the Senate, is changed to Chief, Bill Status Unit.

SEC. 106. Effective on the first day of the first month which begins after the date of the enactment of this Act—

2 USC 61e-1.

(1) the maximum annual rate of compensation of the Deputy Sergeant at Arms and Doorkeeper of the Senate shall be the same as the maximum annual rate of compensation of the Assistant Secretary of the Senate;

2 USC 61e-2.

(2) the maximum annual rate of compensation of the Administrative Assistant to the Sergeant at Arms and Doorkeeper of the Senate shall be the same as the highest maximum annual rate of compensation that may be paid to an employee in the office of a Senator; and

2 USC 61e-2.

(3) the maximum annual rate of compensation of the Executive Assistant to the Sergeant at Arms and Doorkeeper of the Senate shall be the same as the second highest maximum annual rate of compensation that may be paid to an employee in the office of a Senator.

During the fiscal year ending September 30, 1979, the increases in compensation payable under this section may be paid out of any funds available in any appropriation under the headings "SENATE", "Salaries, officers and employees" in any appropriation Act.

2 USC 69a.

SEC. 107. (a) Effective July 1, 1979, there is authorized an expense allowance for the Office of the Secretary of the Senate and the Office of Sergeant at Arms and Doorkeeper of the Senate which shall not exceed $2,000 each fiscal year for each such office. Payments made under this section shall be reimbursements only for actual expenses (including meals and food-related expenses) incurred in the course of conducting orientation seminars for Senators and members of their staffs, and other similar meetings, in the Capitol Building or the Senate Office Buildings. Such payments shall be made upon certification and documentation of such expenses by the Secretary and Sergeant at Arms, respectively, and shall be made out of the contingent fund of the Senate upon vouchers signed by the Secretary and the Sergeant at Arms, respectively. Amounts received as reimbursement of such expenses shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

Repeal.

(b) Effective July 1, 1979, section 105 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 69a) is repealed.

SEC. 108. (a) The first section of the joint resolution entitled "Joint resolution relating to the payment of salaries of employees of the Senate", approved April 20, 1960 (2 U.S.C. 60c-1), is amended by adding at the end thereof the following new sentence: "In any case in which an officer or employee of the Senate dies during the month of December and the full compensation of such officer or employee for such month has been disbursed by the Secretary of the Senate before he receives notice of such death, no recovery shall be made of any portion of the compensation so disbursed.".

Effective date.
2 USC 60c-1 note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1978.

SEC. 109. (a) Any funds made available for obligation during the fiscal year ending September 30, 1979, by section 101 of the Legislative Branch Appropriation Act, 1979, shall be merged with the funds appropriated for the same purposes by such Act and shall remain available until expended.

92 Stat. 771.

(b) Any funds appropriated or made available for the fiscal year ending September 30, 1979, under the heading "SENATE" in any appropriation Act shall, notwithstanding any other provision of law, remain available for obligation through September 30, 1980, for the same purposes for which appropriated or made available, and shall be merged with the funds appropriated for such purposes for the fiscal year ending September 30, 1980, and shall remain available until expended.

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS, AND EMPLOYEES

For an additional amount for "Salaries, officers, and employees", $1,714,000, including: $264,000 for the Office of the Clerk and $1,450,000 for the Office of the Sergeant at Arms.

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

JOINT COMMITTEE ON PRINTING

For an additional amount for "Joint Committee on Printing", $60,000.

CAPITOL GUIDE SERVICE

For an additional amount for the "Capitol Guide Service", $20,000.

ARCHITECT OF THE CAPITOL

SENATE OFFICE BUILDINGS

For an additional amount for "Senate office buildings", $600,000, to remain available until expended.

HOUSE OFFICE BUILDINGS

For an additional amount for "House office buildings", $400,000, to remain available until expended.

INSTALLATION OF SOLAR COLLECTORS IN HOUSE OFFICE BUILDINGS

For the procurement of such equipment, apparatus, and personal and other services as may be necessary for the construction and installation of solar collectors, $1,500,000, to be expended by the Architect of the Capitol under the direction of the House Office Building Commission and to remain available until expended.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For an additional amount for "Library buildings and grounds, Structural and mechanical care", $71,000.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", Office of Superintendent of Documents, $413,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $150,000.

GENERAL PROVISION

SEC. 101. Any funds appropriated under the heading "JOINT ITEMS", "Official Mail Costs" in any appropriation Act for the Legislative Branch for the fiscal year ending September 30, 1979, shall remain available until expended, for the same purposes for which appropriated.

CHAPTER IX

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,100,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", $3,462,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", $58,357,000.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for international peacekeeping activities", $40,000,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Missions to international organizations", $750,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $150,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", $874,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States Attorneys and Marshals", $185,000, to be derived by transfer from the appropriation for "Support of United States Prisoners" and repeal of the numerical ceiling provisions of the Department of Justice Appropriation Act, 1979, that pertain to the lease and purchase of vehicles for the U.S. Marshals Service.

92 Stat. 1026.

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", $6,464,000.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,636,000: *Provided*, That $3,500,000 appropriated in the Department of Justice Appropriation Act, 1979 for the purpose of constructing a forensic

92 Stat. 1027.

science training and research facility at Quantico, Virginia, shall remain available until September 30, 1980.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,935,000: *Provided*, That $3,335,000 of this amount shall remain available until September 30, 1980 for the purpose of renovating the former Border Patrol Academy at Port Isabel, Texas, into a Service Processing Center.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The limitation on obligations for new loans and guarantees under the "Economic Development Revolving Fund" is increased to $171,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

For an additional amount for "Construction", $60,000,000, to remain available until expended.

COASTAL ZONE MANAGEMENT

For an additional amount for "Coastal zone management", $6,500,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

92 Stat. 715.

For carrying out the provisions of section 3 of Public Law 95-376 there are appropriated not to exceed $1,000,000 from receipts collected pursuant to that Act, to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

92 Stat. 685.
43 USC 1841.

For carrying out provisions of title IV of Public Law 95-372, there are appropriated not to exceed $450,000 from receipts collected pursuant to that Act, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

92 Stat. 1603.
92 Stat. 2406.
47 USC 392.

Funds appropriated for educational broadcasting facilities by Public Law 95-482 shall be available for grants authorized by section 392 of the Communications Act of 1934, as amended.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For an additional amount for "Salaries of Judges", $1,200,000.

SALARIES OF SUPPORTING PERSONNEL

For an additional amount for "Salaries of supporting personnel", $1,800,000.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $4,000,000: *Provided*, That funds under this heading shall be available for refreshments for jurors.

TRAVEL AND MISCELLANEOUS EXPENSES

For an additional amount for "Travel and miscellaneous expenses", $3,600,000.

FURNITURE AND FURNISHINGS

For the procurement of furniture and furnishings, including transportation, installation, and other related expenses, incident to the occupancy of new facilities and courtrooms to be provided for circuit and district judges appointed pursuant to the Omnibus Judgeship Act and for bankruptcy judges pursuant to the Bankruptcy Reform Act of 1978, $4,200,000, to remain available until expended.

92 Stat 1629.
28 USC 133 note.
11 USC prec. 101 note.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $150,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $150,000.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For an additional amount for "Arms control and disarmament activities", $925,000.

Board for International Broadcasting

GRANTS AND EXPENSES

For an additional amount for "Grants and expenses", $2,000,000, to remain available until expended, which shall be available for fluctuations in foreign currency exchange rates in accordance with the provisions of section 8 of the Board for International Broadcasting Act of 1973, as amended.

22 USC 2877.

International Communication Agency

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Salaries and expenses (Special Foreign Currency Program)", $300,000.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

22 USC 1471.

92 Stat. 1042.

Notwithstanding the provisions of section 801(3) of the United States Information and Educational Exchange Act of 1948, as the section applies to funds provided for "Acquisition and construction of radio facilities" in the Departments of State, Justice and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, the International Communication Agency is authorized to enter into a lease of up to twenty-five years in duration for the establishment and operation of a radio station in Botswana.

Select Commission on Immigration and Refugee Policy

SALARIES AND EXPENSES

92 Stat. 907.
8 USC 1151 note.

For expenses, not otherwise provided for, necessary for the administration of the provisions of Public Law 95-412 which establishes a Select Commission on Immigration and Refugee Policy, $224,000, to remain available until expended.

Small Business Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000.

DISASTER LOAN FUND

15 USC 636.

For additional capital for the "Disaster loan fund", $1,018,000,000, to remain available without fiscal year limitation: *Provided*, That (a) The first undesignated paragraph of section 7(b) of the Small Business Act is amended by inserting after "under subsection (b)" the following ", except as provided in subsection (c),";

(b) Section 7(c) of the Small Business Act is amended by adding the following new paragraphs:

"(3) With respect to a disaster occurring on or after October 1, 1978, and prior to October 1, 1982, on the Administration's share of loans made pursuant to paragraph (1) of subsection (b)—

"(A) if the loan proceeds are to repair or replace a primary residence and/or repair or replace damaged or destroyed personal property, the interest rate shall be 3 percent on the first $55,000 of such loan;

"(B) if the loan proceeds are to repair or replace property damaged or destroyed and if the applicant is a business concern which is unable to obtain sufficient credit elsewhere, the interest rate shall be as determined by the Administration, but not in excess of 5 percent per annum."

(c) Section 18 of the Small Business Act is amended by— 15 USC 647.

(1) inserting after "Sec. 18." "(a)";

(2) inserting a new subsection as follows:

"Credit elsewhere."

"(b) As used in this Act, 'credit elsewhere' means the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and periods of time.".

CHAPTER X

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For an additional amount for "Transportation planning, research, and development", $1,000,000 to conduct a study of inland waterway user taxes and charges.

Coast Guard

RETIRED PAY

For an additional amount for "Retired pay", $4,000,000.

POLLUTION FUND

For carrying out the provisions of subsections (c), (d), (i), and (l) of section 311 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1321, $13,000,000 to remain available until expended.

OFFSHORE OIL POLLUTION COMPENSATION FUND

For necessary expenses to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), such sums as may be necessary to be derived from the Offshore Oil Pollution Compensation Fund, to remain available until expended. In addition, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury, to meet the obligations of the Fund, notes or other obligations pursuant to section 302 of the Amendments in such amounts and at such times as may be necessary. 92 Stat. 670. 43 USC 1811.

Federal Aviation Administration

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and equipment", $8,700,000, to be derived from the Airport and Airway Trust Fund, to remain available until September 30, 1981.

FEDERAL HIGHWAY ADMINISTRATION

OFF-SYSTEM ROADS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "Off-system roads", $18,500,000, to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

92 Stat. 2689.
23 USC 101 note.

For an additional amount for Northeast Corridor Improvement Program, $35,000,000, for elimination of public grade crossings, as authorized by the Surface Transportation Assistance Act, 1978, to remain available until expended: *Provided*, That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if he determines such action would serve a public purpose.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for Grants to the National Railroad Passenger Corporation, $119,000,000, to remain available until expended, of which not more than $90,000,000 shall be available for operating losses incurred by the Corporation, and not more than $29,000,000 shall be available for capital improvements.

URBAN MASS TRANSPORTATION ADMINISTRATION

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

92 Stat. 2753.
49 USC 1605 note.

For necessary expenses for a waterborne transportation demonstration project as authorized by section 320 of the Surface Transportation Assistance Act of 1978 (Public Law 95-599); $5,000,000, to remain available until September 30, 1981.

RELATED AGENCIES

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS

92 Stat. 1725, 1732.
49 USC 1376, 1389.
92 Stat. 445.
92 Stat. 1732.
49 USC 1389.

For an additional amount for payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 and section 419 of the Federal Aviation Act of 1958, as amended, as is payable by the Board, $4,000,000 to remain available until expended: *Provided*, That $68,900,000 appropriated for this purpose in the Department of Transportation and Related Agencies Appropriation Act, 1979, shall be made available for the purposes of section 419 of the Federal Aviation Act of 1958, as amended.

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For an additional amount for "Operating expenses", $4,934,000, of which $1,703,000 shall be excluded from the net cost of Canal Zone Government for the purposes of section 62, title 2, Canal Zone Code.

PANAMA CANAL COMPANY

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

The limitation on general and administrative expenses is increased by $1,837,000.

UNITED STATES RAILWAY ASSOCATION

ADMINISTRATIVE EXPENSES

For an additional amount for "Administrative expenses", $4,200,000 to remain available through September 30, 1980.

PAYMENTS FOR PURCHASE OF CONRAIL SECURITIES

For an additional amount for acquisition of series A preferred stock issued by the Consolidated Rail Corporation, $239,000,000, to remain available until September 30, 1981.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Interest payments", to remain available until expended; $23,201,000: *Provided*, That these funds may be disbursed pursuant to terms and conditions that the Secretary of Transportation may establish.

NATIONAL ALCOHOL FUELS COMMISSION

SALARIES AND EXPENSES

For necessary administrative expenses of the National Alcohol Fuels Commission, $1,500,000, to remain available until expended.

GENERAL PROVISIONS

Offshore Oil Pollution Compensation Fund.

None of the funds provided in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1979 for the "Offshore Oil Pollution Compensation Fund".

The authority of the Secretary of the Treasury to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372) is hereby made effective without fiscal year limitation.

92 Stat. 670.
43 USC 1811.

None of the funds in this Act shall be available for the administrative expenses of making a new loan guarantee during fiscal year 1979 for any aircraft purchase loan, pursuant to the Act of September 7, 1957 (71 Stat. 629), as amended, which causes the aggregate unliquidated principal amount of all loans guaranteed pursuant to the Act of September 7, 1957, as amended, currently outstanding immediately after such new loan guarantee, to exceed by more than $100,000,000 the aggregate unliquidated principal amount of such loans guaranteed and outstanding at the beginning of fiscal year 1979.

92 Stat. 2716.

None of the funds provided in this Act shall be available for the planning or execution of programs for the purposes of section 152 of Public Law 95-599.

CHAPTER XI

DEPARTMENT OF THE TREASURY

Bureau of Government Financial Operations

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $9,017,000.

PAYMENTS TO THE GOVERNMENT OF GUAM

91 Stat. 156.
26 USC 7651 note.

For payment, in accordance with section 407 of the Tax Reduction and Simplification Act of 1977, to the Government of Guam, $216,000, to remain available until expended.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

92 Stat. 2463.

For an additional amount for "Salaries and expenses", $400,000 for expenses necessary to carry out the provisions of Public Law 95-575, including purchase of fifty passenger motor vehicles for police type use.

U.S. Customs Service

48 USC 1642a.

Notwithstanding any other provision of law, the proceeds of customs duties collected in the Virgin Islands less the cost of collecting all said duties shall, effective for fiscal years beginning after September 30, 1978, be covered into the Treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide.

Internal Revenue Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,362,000.

TAXPAYER SERVICE AND RETURNS PROCESSING

For an additional amount for "Taxpayer service and returns processing", $27,555,000.

PAYMENT WHERE ENERGY CREDIT EXCEEDS LIABILITY FOR TAX

For necessary expenses to carry out the energy credit provisions of the Energy Tax Act of 1978 (Public Law 95-618), $700,000.

92 Stat. 3174.
26 USC 1 note.

EXECUTIVE OFFICE OF THE PRESIDENT

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

In addition to the amount made available in the appropriation under this heading in the Treasury, Postal Service, and General Government Appropriation Act, 1979, for expenses of travel, $10,000 more shall be available in that appropriation for such expenses.

92 Stat. 1005.

COUNCIL ON WAGE AND PRICE STABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,199,000: *Provided,* That no funds appropriated herein shall be available for administrative expenses in connection with enlisting voluntary individual or group participation from the public to help monitor the performance of the Council's anti-inflationary programs.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND, LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount made available for Real Property Management and related activities under this heading in the "Treasury, Postal Service, and General Government Appropriation Act, 1979", (1) $36,205 shall remain available until expended for construction of buildings in addition to the amounts previously specified in other appropriation Acts as available until expended (including funds for sites and expenses) and the acquisition of buildings and the limitation on the amount available for construction and acquisition of buildings is increased to $114,014,205 by additions as follows:

New Construction:
  California:
    Calexico, Border Station, $6,205
  Florida:
    West Palm Beach, Post Office and Courthouse, $30,000: *Provided,* That the immediately foregoing limits of cost may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum; (2) the limitation on rental of space is increased by $14,000,000 to $520,137,000; (3) the limitation on real property operations is decreased by $7,000,000 to $474,953,000: *Provided further,* That any revenues and collections and any other sums accruing to this fund during fiscal year 1979, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $1,479,642,205 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

Federal Supply Service

GENERAL SUPPLY FUND

To increase the capital of the General Supply Fund, established by section 109 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 756), $10,000,000.

General Management and Agency Operations

OFFICE OF INSPECTOR GENERAL

To establish and fund, "Office of Inspector General", $1,700,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $240,000.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", $335,355,000.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

92 Stat. 1111.
5 USC 1101 note.

For "Salaries and expenses", $1,048,000, as authorized by the Civil Service Reform Act.

OFFICE OF SPECIAL COUNSEL

For necessary expenses of the "Office of Special Counsel", as authorized by the Civil Service Reform Act, $842,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,360,000.

CHAPTER XII

TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,500,000, to remain available until expended.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", $15,000,000; and $1,900,000 in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1541 and 1611); and $2,565,000 for reimbursement for necessary expenses incurred as a result of the American Agricultural Movement demonstration in the District of Columbia (D.C. Code 1-827(b)).

DISTRICT OF COLUMBIA FUNDS

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $16,408,100: *Provided,* That not to exceed $250,000 of this appropriation shall be available for settlement of property damage claims not in excess of $1,500 each and personal injury claims not in excess of $5,000 each.

PUBLIC SAFETY

For an additional amount for "Public safety", $11,111,000.

EDUCATION

For an additional amount for "Education", $723,900.

RECREATION

For an additional amount for "Recreation", $43,000.

HUMAN RESOURCES

For an additional amount for "Human resources", $5,161,700.

TRANSPORTATION

For an additional amount for "Transportation", $4,194,900.

ENVIRONMENTAL SERVICES

For an additional amount for "Environmental services", $1,144,600.

PERSONAL SERVICES

For an additional amount for "Personal services", $9,000,000.

SETTLEMENT OF CLAIMS AND SUITS

For an additional amount for "Settlement of claims and suits", $291,500: *Provided,* That not to exceed $230,000 shall be available for payment to Robert J. Pierce, pursuant to District of Columbia law.

DEMONSTRATION EXPENSES

For expenses incurred as a result of the American Agricultural Movement demonstration in the District of Columbia (D.C. Code 1-827(b)), $2,565,000.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1979

For additional amounts for appropriation for the fiscal year 1979 for increased pay costs authorized or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", $6,019,000;

"Office of the Legislative Counsel of the Senate", $25,000;

"Senate policy committees", $74,000;

"Inquiries and investigations", $1,330,000;

"Folding documents", $6,000;

"Miscellaneous items", $13,000;

HOUSE OF REPRESENTATIVES

"House leadership offices", $75,200;

"Salaries, officers and employees", $1,357,700;

"Committee on Appropriations (Studies and Investigations)", $8,900;

"Office of the Law Revision Counsel", $14,000;

"Office of the Legislative Counsel", $60,400;

"Members' clerk hire", $5,142,400;

"Allowances and expenses", $773,600;

JOINT ITEMS

"Joint Economic Committee", $70,000, to be derived by release of that amount withheld from obligation by the Secretary of the Senate pursuant to section 311 of Public Law 95-391; 92 Stat. 790.

"Joint Committee on Taxation", $75,100, to be derived by release of that amount withheld from obligation by the Clerk of the House pursuant to section 311 of Public Law 95-391;

"Education of Pages", $10,900;

"Capitol Guide Service", $29,000;

CONGRESSIONAL BUDGET OFFICE

"Salaries and expenses", $261,100, to be derived by release of that amount withheld from obligation by the Director of the Congressional Budget Office pursuant to section 311 of Public Law 95-391;

ARCHITECT OF THE CAPITOL

(INCLUDING TRANSFER OF FUNDS)

Office of the Architect of the Capitol: "Salaries", $108,000, to be derived by transfer from "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391; 92 Stat. 790.

"Capitol buildings", $223,000, to be derived by transfer from "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

"Capitol grounds", $79,000, to be derived by transfer from "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

"Senate office buildings", $389,000, to be derived by release of $55,000 from "Senate office buildings", withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391, and by transfer of $273,000 from "Capitol power plant" and $61,000 from "House office buildings" by release of those amounts withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

"Senate garage", $7,000, to be derived by transfer from "Capitol power plant" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

"House office buildings", $570,000, to be derived by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

"Capitol Power Plant", $100,000, to be derived by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

"Library buildings and grounds: Structural and mechanical care", $95,000, to be derived by transfer from "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

BOTANIC GARDEN

(INCLUDING TRANSFER OF FUNDS)

Botanic Garden: "Salaries and expenses", $56,000, to be derived by transfer from "House office buildings" by release of that amount withheld from obligation by the Architect of the Capitol pursuant to section 311 of Public Law 95-391;

LIBRARY OF CONGRESS

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $1,387,000, to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391, and $1,933,000, to be derived by transfer from "Books for the Blind and Physically Handicapped" by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391;

Copyright Office: "Salaries and expenses", $61,000, to be derived by transfer from "Books for the Blind and Physically Handicapped" by

92 Stat. 790. release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391;

Congressional Research Service: "Salaries and expenses", $1,031,000, to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391;

Books for the Blind and Physically Handicapped: "Salaries and expenses", $115,000, to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $7,281,000, to be derived by release of that amount withheld from obligation by the Comptroller General pursuant to section 311 of Public Law 95-391;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Care of the building and grounds", $25,000;

COURT OF CUSTOMS AND PATENT APPEALS

"Salaries and expenses", $22,000;

CUSTOMS COURT

"Salaries and expenses", $40,000;

COURT OF CLAIMS

"Salaries and expenses", $50,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries of supporting personnel", $7,500,000;

"Salaries and expenses of referees", $1,358,000, to be derived from the Referees' salary and expense fund established pursuant to the Act of June 28, 1946, as amended (11 U.S.C. 68, 102) and, to the extent of any deficiency in said fund, from any moneys in the Treasury not otherwise appropriated;

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

"Salaries and expenses", $499,000;

FEDERAL JUDICIAL CENTER

"Salaries and expenses", $104,000;

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE OFFICE

"Salaries and expenses", $452,000;

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

"Operating expenses", $108,000;

SPECIAL ASSISTANCE TO THE PRESIDENT

"Salaries and expenses", $35,000;

DOMESTIC POLICY STAFF

"Salaries and expenses", $44,000;

NATIONAL SECURITY COUNCIL

"Salaries and expenses", $125,000;

OFFICE OF ADMINISTRATION

"Salaries and expenses", $183,000;

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $844,000;

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

"Salaries and expenses", $20,000;

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

"Salaries and expenses", $42,000;

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFER OF FUNDS)

"Office of the Secretary", $105,000;

"Departmental Administration", for budget, planning and evaluation, $130,000; for operations and finance, $30,000; for public participation, $9,000; for personnel, $113,000; for equal opportunity, $73,000; for governmental and public affairs, $153,000; making a total of $508,000;

"Working capital fund", for an additional amount for obligations chargeable against the working capital fund, $1,252,000;

"Office of the Inspector General", $150,000 and in addition, $303,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation;

"Office of the General Counsel", $347,000;

"Agricultural Research Service", $5,000,000;

"Economics, Statistics, and Cooperatives Service", $2,450,000;

"Foreign Agricultural Service", $570,000;

FEDERAL CROP INSURANCE CORPORATION

"Federal Crop Insurance Corporation Fund", $560,000 for administrative and operating expenses which may be paid from premium income;

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", $256,000;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $6,813,000;

SOIL CONSERVATION SERVICE

"Conservation operations", $6,936,000;

"Great plains conservation program", $401,000, to remain available until expended;

"Resource conservation and development", $441,000, to remain available until expended;

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

"Animal and Plant Health Inspection Service", $5,178,000;

AGRICULTURAL MARKETING SERVICE

"Marketing services", $1,352,000;

FOOD SAFETY AND QUALITY SERVICE

"Food safety and quality service", $7,677,000;

"Funds for strengthening markets, income, and supply (section 32)" (increase of $197,000 in the limitation, "marketing agreements and orders");

FOOD AND NUTRITION SERVICE

"Food program administration", $2,149,000;

FOREST SERVICE

"Forest protection and utilization", $21,556,000, of which $1,924,000 for reforestation and stand improvement, $422,000 for forest insect and disease control, and $41,000 for cooperative law enforcement shall remain available until September 30, 1980;

"Construction and land acquisition", $332,000, to remain available until expended;

"Forest roads and trails", $7,117,000, to remain available until expended;

"Assistance to States for tree improvement", $14,000, to remain available until expended;

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", $740,000;

BUREAU OF THE CENSUS

"Salaries and expenses", $1,747,000;

"Periodic censuses and programs", $5,128,000, to remain available until expended;

ECONOMIC AND STATISTICAL ANALYSIS

"Salaries and expenses", $547,000;

ECONOMIC DEVELOPMENT ADMINISTRATION

"Salaries and expenses", $1,236,000;
"Local Public Works Program", $368,000;

INDUSTRY AND TRADE ADMINISTRATION

"Operations and administration", $1,798,000, to remain available until expended;

UNITED STATES TRAVEL SERVICE

"Salaries and expenses", $97,000;

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, research, and facilities", $15,703,000, to remain available until expended;

"Coastal zone management", $140,000, to remain available until expended;

PATENT AND TRADEMARK OFFICE

"Salaries and expenses", $3,054,000;

SCIENCE AND TECHNICAL RESEARCH

"Scientific and technical research and services", $2,600,000, to remain available until expended, of which not to exceed $30,000 may be transferred to the "Working Capital Fund", National Bureau of Standards, for additional capital;

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

"Salaries and expenses", $120,000, to remain available until expended;

MARITIME ADMINISTRATION

"Operations and training", $1,366,000, to remain available until expended;

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

"Military personnel, Army", $437,448,000;
"Military personnel, Navy", $297,433,000;
"Military personnel, Marine Corps", $96,525,000;
"Military personnel, Air Force", $362,134,000;
"Reserve personnel, Army", $13,550,000;
"Reserve personnel, Navy", $4,475,000;
"Reserve personnel, Marine Corps", $3,075,000;
"Reserve personnel, Air Force", $7,750,000;
"National Guard personnel, Army", $31,600,000;

"National Guard personnel, Air Force", $10,023,000;

OPERATION AND MAINTENANCE

"Operation and maintenance, Army", $174,200,000;

"Operation and maintenance, Navy", $128,200,000;

"Operation and maintenance, Marine Corps", $2,800,000;

"Operation and maintenance, Air Force", $97,900,000;

"Operation and maintenance, Defense Agencies", $90,200,000. The amounts heretofore made available only for the Defense Logistics Agency and only for the Civilian Health and Medical Program of the Uniformed Services shall be available, without regard to these limitations, and the limitation on the amount available for schooling for minor dependents of personnel of the Department of Defense contained in section 808(a) of the Department of Defense Appropriation Act, 1979, is increased to $305,000,000; 92 Stat. 1244.

"Operation and maintenance, Army Reserve", $3,400,000;

"Operation and maintenance, Air Force Reserve", $8,600,000;

"Operation and maintenance, Army National Guard", $9,700,000;

"Operation and maintenance, Air National Guard", $17,300,000;

"National Board for the Promotion of Rifle Practice, Army", $10,000;

"Court of Military Appeals, Defense", $90,000;

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

"Construction, general", $10,000,000;

"General expenses", $2,400,000;

"Operation and maintenance, general", $16,600,000, to remain available until expended;

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $590,000;

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

(INCLUDING TRANSFER OF FUNDS)

"Operating expenses", $1,048,000 and, in addition, not to exceed $186,000 shall be derived by transfer from the unobligated balance in the appropriation "Capital outlay".

PANAMA CANAL COMPANY

"Limitation on general and administrative expenses" (increase of $795,000 in the limitation on general administrative expenses);

DEPARTMENT OF ENERGY

Energy, Science and Defense Activities

"Operating expenses", $15,000,000, to remain available until expended;

Power Marketing Administrations

"Operations and Construction", to remain available until expended, $209,000, of which $41,000 is for "Southeastern Power Administration" and $168,000 is for "Southwestern Power Administration";

"Fossil energy research and development", $1,301,000;

"Energy production, demonstration, and distribution", $234,000;

"Energy conservation", $354,000;

"Strategic petroleum reserve", $217,000;

"Energy information administration", $1,258,000;

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

"Salaries and expenses", $6,800,000;

Health Services Administration

"Indian health services", $8,364,000;

Center for Disease Control

"Preventive health services", $2,673,000;

National Institutes of Health

(TRANSFER OF FUNDS)

"Office of the Director", $784,000 to be derived by transfer, $392,000 from "National Cancer Institute" and $392,000 from "National Heart, Lung and Blood Institute";

Assistant Secretary for Health

"Salaries and expenses", $1,138,000;

Saint Elizabeths Hospital

(TRANSFER OF FUNDS)

For an additional amount for "Saint Elizabeths Hospital", $3,428,000 to be derived by transfer from "Alcohol, drug abuse, and mental health";

Health Care Financing Administration

"Quality care management, research and administration", $2,600,000; and $3,800,000 to be derived by transfer from the "Federal Hospital Insurance Trust Fund" and the "Federal Supplementary Medical Insurance Trust Fund" as authorized by section 201(g)(1) of the Social Security Act; 42 USC 401.

SOCIAL SECURITY ADMINISTRATION

"Limitation on salaries and expenses" (increase of $37,500,000 in the limitation on salaries and expenses paid from trust funds);
"Public assistance", $1,105,000;

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

"Human development services", $2,387,000;

DEPARTMENTAL MANAGEMENT

"Office of Consumer Affairs", $32,000;
"General departmental management", $2,265,000;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

"Salaries and expenses, Department of Housing and Urban Development", $10,000,000;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $3,300,000;

BUREAU OF RECLAMATION

(INCLUDING TRANSFER OF FUNDS)

"Operation and maintenance", $2,363,000, of which $63,000 shall be derived from the Colorado River Dam Fund;
"General administrative expenses", $760,000;

HERITAGE CONSERVATION AND RECREATION SERVICE

"Salaries and expenses", $300,000;
"Land and water conservation fund": Of the amount heretofore appropriated under this head, an additional amount of $188,000 shall be available for administrative expenses of the Heritage Conservation and Recreation Service;

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource management", $4,310,000;

NATIONAL PARK SERVICE

"Operation of the National Park System", $6,000,000;

GEOLOGICAL SURVEY

"Surveys, investigations, and research", $9,511,000;

BUREAU OF MINES

"Mines and minerals", $1,500,000;

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $10,300,000;

OFFICE OF TERRITORIAL AFFAIRS

"Administration of territories", $75,000;
"Trust Territory of the Pacific Islands", $98,000;

OFFICE OF THE SOLICITOR

"Salaries and expenses", $500,000;

OFFICE OF THE SECRETARY

"Departmental management", $900,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $1,165,000, to be derived by transfer from the appropriation for "Salaries and expenses, Bureau of Prisons";

LEGAL ACTIVITIES

(TRANSFER OF FUNDS)

"Salaries and expenses, general legal activities", $750,000, to be derived by transfer from the appropriation for "Salaries and expenses, Bureau of Prisons";

"Salaries and expenses, Antitrust Division", $1,131,000, to be derived by transfer from the appropriation for "Salaries and expenses, Bureau of Prisons";

"Salaries and expenses, United States Attorneys and Marshals", $7,293,000, of which $2,824,000 shall be derived by transfer from the appropriation for "Support of United States Prisoners" and $4,469,000 shall be derived by transfer from the appropriation for "Salaries and expenses, Bureau of Prisons";

FEDERAL BUREAU OF INVESTIGATION

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $20,506,000, of which $3,913,000 shall be derived by transfer from the appropriation for "Salaries and expenses, Bureau of Prisons";

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $6,000,000;

DRUG ENFORCEMENT ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $772,000, of which $500,000 shall be derived by transfer from the appropriation for "Salaries and expenses, Community Relations Service" and $272,000 shall be derived by transfer from the appropriation for "Salaries and expenses, Bureau of Prisons";

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

"Program administration", $676,000, together with not to exceed $1,403,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $278,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-2003.

EMPLOYMENT STANDARDS ADMINISTRATION

"Salaries and expenses", $13,000 to be derived from the Special Fund in accordance with section 39(c) and 44(j) of the Longshoreman's and Harbor Worker's Compensation Act; 33 USC 939, 944.

"Black lung disability trust fund", $701,000 shall be available for transfer to Employment Standards Administration, Salaries and expenses, to be derived from amounts made available for transfer to Departmental management, Salaries and expenses, provided under this head in the Department of Labor Appropriations Act, 1979; 92 Stat. 1568.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $1,810,000;

MINE SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $2,480,000;

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $2,167,000, together with not to exceed $60,000 to be derived by transfer from the Employment Security Administration Account, Unemployment trust fund.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $11,460,000;

"Acquisition, operation, and maintenance of buildings abroad", $177,000, to remain available until expended;

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

"Missions to international organizations", $235,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico: "Salaries and expenses", $189,000;

"American sections, international commissions", $65,000;

OTHER

"Migration and refugee assistance", $35,000;

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $700,000, and in addition not to exceed $63,331 shall be derived by transfer from the appropriation, "Transportation research activities overseas";

COAST GUARD

"Operating expenses", $22,670,000;
"Reserve training", $1,600,000;

FEDERAL AVIATION ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Operations", $54,000,000 and, in addition, not to exceed $5,000,000 shall be derived by transfer from unobligated balances in the appropriations "Civil supersonic aircraft development" and "Civil supersonic aircraft development termination";

"Operation and maintenance, Metropolitan Washington airports", $630,000;

FEDERAL HIGHWAY ADMINISTRATION

"Motor carrier safety", $220,000;

"Limitation on general operating expenses" (increase of $4,200,000 in the limitation on general operating expenses);

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

"Traffic and highway safety", $400,000, of which $184,000 shall be derived from the Highway Trust Fund;

FEDERAL RAILROAD ADMINISTRATION

"Office of the Administrator", $335,000;
"Railroad Safety", $500,000;

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $32,000 in the limitation on administrative expenses);

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

(TRANSFER OF FUNDS)

"Salaries and expenses", $979,000, to be derived from "Administering the Public Debt";

Bureau of Government Financial Operations

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,289,000, to be derived from "Administering the Public Debt";

Bureau of Alcohol, Tobacco and Firearms

(TRANSFER OF FUNDS)

"Salaries and expenses", $4,900,000, to be derived from "Administering the Public Debt";

United States Customs Service

"Salaries and expenses", $13,459,000;

Bureau of the Mint

(TRANSFER OF FUNDS)

"Salaries and expenses", $584,000, to be derived from "Administering the Public Debt";

Internal Revenue Service

"Salaries and expenses", $5,727,000;
"Taxpayer service and returns processing", $24,133,000;
"Examinations and appeals", $20,609,000;
"Investigations and collections", $19,369,000;

United States Secret Service

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $4,528,000, of which $3,214,000 is to be derived from "Administering the Public Debt".

GENERAL SERVICES ADMINISTRATION

Federal Buildings Fund

"Limitations on availability of revenue". In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1979, $11,644,000 shall be available for such purposes and the limitation on the amount available for real property operations is increased to $481,953,000 and the limitation on the amount available for program direction and centralized services is increased to $70,065,000: *Provided*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1979, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $1,472,606,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

Federal Supply Service

"Operating expenses", $5,116,000;

National Archives and Records Service

"Operating expenses", $1,938,000;
"Records declassification", $90,000;

Automated Data and Telecommunications Service

"Operating expenses", $386,000;

Federal Property Resources Service

"Operating expenses", $1,279,000;

General Management and Agency Operations

"Salaries and expenses", $732,000;
"Indian trust accounting", $115,000;

Administrative and Staff Support Services

"Salaries and expenses", $3,492,000;
"Consumer Information Center", $16,000;

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $25,969,000;

VETERANS ADMINISTRATION

"Medical care", $40,000,000;
"General operating expenses", $12,620,000;
"Construction, minor projects", $944,000, to remain available until expended (and an increase of $944,000 in the limitation on the Office of Construction);

OTHER INDEPENDENT AGENCIES

Action

"Operating expenses, international programs", $958,000;
"Operating expenses, domestic programs", $798,000;

Advisory Council on Historic Preservation

"Salaries and expenses", $26,000;

American Battle Monuments Commission

"Salaries and expenses", $1,185,000;

Arms Control and Disarmament Agency

"Arms control and disarmament activities", $400,000;

Civil Aeronautics Board

"Salaries and expenses", $694,000;

Commission on Civil Rights

"Salaries and expenses", $100,000;

COMMODITY FUTURES TRADING COMMISSION

"Salaries and expenses", $532,000;

CONSUMER PRODUCT SAFETY COMMISSION

"Salaries and expenses", $750,000;

EXPORT-IMPORT BANK OF THE UNITED STATES

"Limitation on administrative expenses" (increase of $175,000 in the limitation on administrative expenses);

FARM CREDIT ADMINISTRATION

"Limitation on administrative expenses" (increase of $350,000 in the limitation on administrative expenses);

FEDERAL ELECTION COMMISSION

"Salaries and expenses", $293,000;

FEDERAL EMERGENCY MANAGEMENT AGENCY

"Emergency planning, preparedness, and mobilization", $1,885,000;

"Hazard mitigation and disaster assistance", $635,000;

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board" (increase of $200,000 in the limitation on administrative expenses and an increase of $700,000 in the limitation on nonadministrative expenses);

FEDERAL LABOR RELATIONS AUTHORITY

"Salaries and expenses", $429,000;

FEDERAL MARITIME COMMISSION

"Salaries and expenses", $200,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", $528,000;

FEDERAL TRADE COMMISSION

"Salaries and expenses", $550,000;

INTERGOVERNMENTAL AGENCIES

(INCLUDING TRANSFER OF FUNDS)

Advisory Commission on Intergovernmental Relations: "Salaries and expenses", $39,000;

Appalachian Regional Commission: "Salaries and expenses", $77,000, to be transferred from Appalachian Regional Development Programs;

Delaware River Basin Commission: "Salaries and expenses", $2,000;

Susquehanna River Basin Commission: "Salaries and expenses", $2,000;

INTERNATIONAL COMMUNICATION AGENCY

"Salaries and expenses", $5,938,000;

INTERNATIONAL TRADE COMMISSION

"Salaries and expenses", $300,000;

INTERSTATE COMMERCE COMMISSION

"Salaries and expenses", $2,475,000;

MERIT SYSTEMS PROTECTION BOARD

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $378,000 together with an additional amount of $9,000 for current fiscal year administration expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts determined by the Office of Personnel Management without regard to other statutes;

Office of Special Counsel: "Salaries and expenses", $14,000;

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", $56,000;

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

"Salaries and expenses", $12,000;

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts: "Salaries and expenses", $150,000;

National Endowment for the Humanities: "Salaries and expenses", $185,000;

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", $2,295,000;

NATIONAL MEDIATION BOARD

"Salaries and expenses", $64,000;

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", $480,000;

NUCLEAR REGULATORY COMMISSION

"Salaries and expenses", $4,300,000, to remain available until expended;

OFFICE OF PERSONNEL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $4,248,000 together with an additional amount of $1,164,000 for current fiscal year administration expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes;

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

"Salaries and expenses", $29,000;

RAILROAD RETIREMENT BOARD

"Limitation on salaries and expenses" (increase in the limitation on salaries and expenses of $1,386,000 to be derived from railroad retirement accounts);

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $2,450,000;

SELECTIVE SERVICE SYSTEM

"Salaries and expenses", $185,000;

SMITHSONIAN INSTITUTION

"Salaries and expenses", $1,700,000;

"Science Information Exchange", $63,000;

"Pursuant to the requirements of 31 U.S.C. 638a (b), (e), the Smithsonian Institution is authorized to acquire two aircraft from Federal excess property;

"Salaries and expenses, Woodrow Wilson International Center for Scholars", $21,000;

UNITED STATES TAX COURT

"Salaries and expenses", $88,000.

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1979, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

Congressional pages.
92 Stat. 789.
2 USC 88b-1 note.

SEC. 303. The provisions of sections 491(c) and 491(d) of the Legislative Reorganization Act of 1970, as amended (2 U.S.C. 88b-1), shall

not apply to the pay of pages of the Senate and House of Representatives during the period when the Senate and/or the House of Representatives adjourns or recesses on or after the first of August for a period of at least thirty days but not more than forty-five days, such pay may continue until the end of such period of adjournment or recess.

SEC. 304. Section 201 of Public Law 95-480 is amended by inserting before the period at the end thereof the following: "*Provided further*, That if by the beginning of the fourth quarter, 75 percent of the reduction required by this section has not been achieved, the aggregate amount of budget authority under this Act shall not be reduced by an amount in excess of $301,500,000: *Provided further*, That if the reduction required by this section results in total budget authority insufficient to pay legal entitlements in the fourth quarter, the Department may borrow from succeeding year funds to pay such entitlements.". 92 Stat. 1584.

Approved July 25, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-227 (Comm. on Appropriations) and No. 96-331 (Comm. of Conference).
SENATE REPORT No. 96-224 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 6, considered and passed House.
June 25, 26, considered and passed Senate, amended.
July 17, House agreed to conference report, receded and concurred with amendments in certain Senate amendments, concurred in others, and insisted on its disagreement to Senate amendment No. 82.
July 20, Senate agreed to conference report, concurred in certain House amendments, and receded from its amendment No. 82.

Public Law 96-39
96th Congress

An Act

July 26, 1979
[H.R. 4537]

To approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Trade Agreements Act of 1979.
19 USC 2501.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; PURPOSES.

(a) Short Title.—This Act may be cited as the "Trade Agreements Act of 1979".

(b) Table of Contents.—

Sec. 1. Short title; table of contents; purposes.
Sec. 2. Approval of trade agreements.
Sec. 3. Relationship of trade agreements to United States law.

TITLE I—COUNTERVAILING AND ANTIDUMPING DUTIES

Sec. 101. Addition of new countervailing and antidumping duties title to Tariff Act of 1930.
Sec. 102. Pending investigations; purposes.
Sec. 103. Amendment of section 303 of the Tariff Act of 1930.
Sec. 104. Transition rules for countervailing duty orders.
Sec. 105. Continuation of certain waivers.
Sec. 106. Conforming changes.
Sec. 107. Effective date.

TITLE II—CUSTOMS VALUATION

Subtitle A—Valuation Standards Amendments

Sec. 201. Valuation of imported merchandise.
Sec. 202. Conforming amendments.
Sec. 203. Presidential report on operation of the Agreement.
Sec. 204. Transition to valuation standards under this title.

Subtitle B—Final List and American Selling Price Rate Conversions

Sec. 221. Amendment of tariff schedules.
Sec. 222. Final list rate conversions.
Sec. 223. American selling price rate conversions.
Sec. 224. Treatment of converted rates as existing rates for purposes of trade agreement authority.
Sec. 225. Modification of tariff treatment of certain chemicals and chemical products.

TITLE III—GOVERNMENT PROCUREMENT

Sec. 301. General authority to modify discriminatory purchasing requirements.
Sec. 302. Authority to encourage reciprocal competitive procurement practices.
Sec. 303. Waiver of discriminatory purchasing requirements with respect to purchases of civil aircraft.
Sec. 304. Expansion of the coverage of the Agreement.
Sec. 305. Monitoring and enforcement.
Sec. 306. Labor surplus area studies.
Sec. 307. Availability of information to Congressional advisers.
Sec. 308. Definitions.
Sec. 309. Effective dates.

TITLE IV—TECHNICAL BARRIERS TO TRADE (STANDARDS)

Subtitle A—Obligations of the United States

Sec. 401. Certain standards-related activities.
Sec. 402. Federal standards-related activities.
Sec. 403. State and private standards-related activities.

Subtitle B—Functions of Federal Agencies

Sec. 411. Functions of Special Representative.
Sec. 412. Establishment and operation of technical offices.
Sec. 413. Representation of United States interests before international standards organizations.
Sec. 414. Standards information center.
Sec. 415. Contracts and grants.
Sec. 416. Technical assistance.
Sec. 417. Consultations with representatives of domestic interests.

Subtitle C—Administrative and Judicial Proceedings Regarding Standards-Related Activities

CHAPTER 1—REPRESENTATIONS ALLEGING UNITED STATES VIOLATIONS OF OBLIGATIONS

Sec. 421. Right of action under this chapter.
Sec. 422. Representations.
Sec. 423. Action after receipt of representations.
Sec. 424. Procedure after finding by international forum.

CHAPTER 2—OTHER PROCEEDINGS REGARDING CERTAIN STANDARDS-RELATED ACTIVITIES

Sec. 441. Finding of reciprocity required in administrative proceedings.
Sec. 442. Not cause for stay in certain circumstances.

Subtitle D—Definitions and Miscellaneous Provisions

Sec. 451. Definitions.
Sec. 452. Exemptions under title.
Sec. 453. Reports to Congress on operation of Agreement.
Sec. 454. Effective date.

TITLE V—IMPLEMENTATION OF CERTAIN TARIFF NEGOTIATIONS

Sec. 501. Amendment of tariff schedules.
Sec. 502. Effective dates of certain tariff reductions.
Sec. 503. Staging of certain tariff reductions.
Sec. 504. Snapback of textile tariff reductions.
Sec. 505. Goat and sheep (except lamb) meat.
Sec. 506. Certain fresh, chilled, or frozen beef.
Sec. 507. Yellow Dent corn.
Sec. 508. Carrots.
Sec. 509. Dinnerware.
Sec. 510. Tariff treatment of watches.
Sec. 511. Brooms.
Sec. 512. Agricultural and horticultural machinery, equipment, implements, and parts.
Sec. 513. Wool.
Sec. 514. Conversion to ad valorem equivalents of certain column 2 tariff rates.

TITLE VI—CIVIL AIRCRAFT AGREEMENT

Sec. 601. Civil aircraft and parts.

TITLE VII—CERTAIN AGRICULTURAL MEASURES

Sec. 701. Limitation on cheese imports.
Sec. 702. Enforcement.
Sec. 703. Limitation on imports of chocolate crumb.

Sec. 704. Amendments to meat import law.

TITLE VIII—TREATMENT OF DISTILLED SPIRITS

Subtitle A—Tax Treatment

Sec. 801. Short title; amendment of 1954 Code.
Sec. 802. Repeal of wine-gallon method of taxing distilled spirits.
Sec. 803. Repeal of rectification taxes on distilled spirits.
Sec. 804. Determination and payment of tax.
Sec. 805. All-in-bond method of determining excise tax on distilled spirits.
Sec. 806. Removal of requirement of on-site inspection.
Sec. 807. Technical, conforming, and clerical amendments.
Sec. 808. Transitional rules relating to determination and payment of tax.
Sec. 809. Transitional rules relating to all-in-bond method.
Sec. 810. Effective date.

Subtitle B—Tariff Treatment

Sec. 851. Repeal of provision that each wine gallon is to be counted as at least one proof gallon.
Sec. 852. Changes in rates of duty.
Sec. 853. Effective date for sections 851 and 852.
Sec. 854. Review of international trade in alcoholic beverages.
Sec. 855. Authority to proclaim existing rates for certain items.
Sec. 856. Application of section 311 of the Tariff Act of 1930.

TITLE IX—ENFORCEMENT OF UNITED STATES RIGHTS

Sec. 901. Enforcement of United States rights under trade agreements and response to certain foreign practices.
Sec. 902. Conforming amendments.
Sec. 903. Effective date.

TITLE X—JUDICIAL REVIEW

Sec. 1001. Judicial review.
Sec. 1002. Effective date and transitional rules.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Extension of nontariff barrier negotiating authority.
Sec. 1102. Auction of import licenses.
Sec. 1103. Advice from private sector.
Sec. 1104. Study of possible agreements with North American countries.
Sec. 1105. Amendments to section 337 of the Tariff Act of 1930.
Sec. 1106. Technical amendments to the Trade Act of 1974.
Sec. 1107. Technical amendments to the Tariff Schedules of the United States.
Sec. 1108. Reporting of statistics on a cost-insurance-freight basis.
Sec. 1109. Reorganizing and restructuring of international trade functions of the United States Government.
Sec. 1110. Study of export trade policy.
Sec. 1111. Generalized system of preferences.
Sec. 1112. Concession-related revenue losses to United States possessions.
Sec. 1113. No budget authority for any fiscal year before fiscal year 1981.
Sec. 1114. Effective date.

19 USC 2502. (c) PURPOSES.—The purposes of this Act are—

19 USC 2101. (1) to approve and implement the trade agreements negotiated under the Trade Act of 1974;

(2) to foster the growth and maintenance of an open world trading system;

(3) to expand opportunities for the commerce of the United States in international trade; and

(4) to improve the rules of international trade and to provide for the enforcement of such rules, and for other purposes.

SEC. 2. APPROVAL OF TRADE AGREEMENTS.

19 USC 2503.

(a) **Approval of Agreements and Statements of Administrative Action.**—In accordance with the provisions of sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112 and 2191), the Congress approves the trade agreements described in subsection (c) submitted to the Congress on June 19, 1979, and the statements of administrative action proposed to implement such trade agreements submitted to the Congress on that date.

(b) **Acceptance of Agreements by the President.**—

(1) **In general.**—The President may accept for the United States the final legal instruments or texts embodying each of the trade agreements approved by the Congress under subsection (a). The President shall submit a copy of each final instrument or text to the Congress on the date such text or instrument is available, together with a notification of any changes in the instruments or texts, including their annexes, if any, as accepted and the texts of such agreements as submitted to the Congress under subsection (a). Such final legal instruments or texts shall be deemed to be the agreements submitted to and approved by the Congress under subsection (a) if such changes are—

Agreement, submittal to Congress.

(A) only rectifications of a formal character or minor technical or clerical changes which do not affect the substance or meaning of the texts as submitted to the Congress on June 19, 1979, or

(B) changes in annexes to such agreements, and the President determines that the balance of United States rights and obligations under such agreements is maintained.

(2) **Application of agreement between the United States and other countries.**—No agreement accepted by the President under paragraph (1) shall apply between the United States and any other country unless the President determines that such country—

(A) has accepted the obligations of the agreement with respect to the United States, and

(B) should not otherwise be denied the benefits of the agreement with respect to the United States because such country has not accorded adequate benefits, including substantially equal competitive opportunities for the commerce of the United States to the extent required under section 126(c) of the Trade Act of 1974 (19 U.S.C. 2136(c)), to the United States.

(3) **Limitation on acceptance concerning major industrial countries.**—The President may not accept an agreement described in paragraph (1), (2), (3), (4), (5), (6), (7), (9), (10), or (11) of subsection (c), unless he determines that each major industrial country (as defined in section 126(d) of the Trade Act of 1974 (19 U.S.C. 2136(d)) is also accepting the agreement. Notwithstanding the preceding sentence, the President may accept such an agreement, if he determines that only one major industrial country is not accepting that agreement and the acceptance of that agreement by that country is not essential to the effective operation of the agreement, and if—

(A) that country is not a major factor in trade in the products covered by that agreement,

(B) the President has authority to deny the benefits of the agreement to that country and has taken steps to deny the benefits of the agreement to that country, or

(C) a significant portion of United States trade would benefit from the agreement, notwithstanding such nonacceptance, and the President determines and reports to the Congress that it is in the national interest of the United States to accept the agreement.

European Communities.

For purposes of this paragraph, the acceptance of an agreement by the European Communities on behalf of its member countries shall also be treated as acceptance of that agreement by each member country, and acceptance of an agreement by all the member countries of the European Communities shall also be treated as acceptance of that agreement by the European Communities.

(c) TRADE AGREEMENTS TO WHICH THIS ACT APPLIES.—The trade agreements to which subsection (a) applies are the following:

(1) The Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (relating to customs valuation).

(2) The Agreement on Government Procurement.

(3) The Agreement on Import Licensing Procedures.

(4) The Agreement on Technical Barriers to Trade (relating to product standards).

(5) The Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures).

19 UST 4348.

(6) The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (relating to antidumping measures).

(7) The International Dairy Arrangement.

(8) Certain bilateral agreements on cheese, other dairy products, and meat.

(9) The Arrangement Regarding Bovine Meat.

(10) The Agreement on Trade in Civil Aircraft.

(11) Texts Concerning a Framework for the Conduct of World Trade.

(12) Certain Bilateral Agreements to Eliminate the Wine-Gallon Method of Tax and Duty Assessment.

(13) Certain other agreements to be reflected in Schedule XX of the United States to the General Agreement on Tariffs and Trade, including Agreements—

(A) to Modify United States Watch Marking Requirements, and to Modify United States Tariff Nomenclature and Rates of Duty for Watches,

(B) to Provide Duty-Free Treatment for Agricultural and Horticultural Machinery, Equipment, Implements, and Parts Thereof, and

(C) to Modify United States Tariff Nomenclature and Rates of Duty for Ceramic Tableware.

(14) The Agreement with the Hungarian People's Republic.

19 USC 2504.

SEC. 3. RELATIONSHIP OF TRADE AGREEMENTS TO UNITED STATES LAW.

(a) UNITED STATES STATUTES TO PREVAIL IN CONFLICT.—No provision of any trade agreement approved by the Congress under section 2(a), nor the application of any such provision to any person or circumstance, which is in conflict with any statute of the United States shall be given effect under the laws of the United States.

(b) IMPLEMENTING REGULATIONS.—Regulations necessary or appropriate to carry out actions proposed in any statement of proposed administrative action submitted to the Congress under section 102 of the Trade Act of 1974 to implement each agreement approved under section 2(a) shall be issued within 1 year after the date of the entry into force of such agreement with respect to the United States.

19 USC 2112.

(c) CHANGES IN STATUTES TO IMPLEMENT A REQUIREMENT, AMENDMENT, OR RECOMMENDATION.—

Draft, submittal to Congress.

(1) PRESIDENTIAL DETERMINATION.—Whenever the President determines that it is necessary or appropriate to amend, repeal, or enact a statute of the United States in order to implement any requirement of, amendment to, or recommendation under such an agreement, he shall submit to the Congress a draft of a bill to accomplish the amendment, repeal, or enactment and a statement of any administrative action proposed to implement the requirement, amendment, or recommendation. Not less than 30 days before submitting such a bill, the President shall consult with the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and each committee of the House or Senate which has jurisdiction over legislation involving subject matters which would be affected by such amendment, repeal, or enactment. The consultation shall treat all matters relating to the implementation of such requirement, amendment, or recommendation, as provided in paragraphs (2) and (3).

Consultation with congressional committees.

(2) CONDITIONS FOR TAKING EFFECT UNDER UNITED STATES LAW.—No such amendment shall enter into force with respect to the United States, and no such requirement, amendment, or recommendation shall be implemented under United States law, unless—

Publication in Federal Register.

(A) the President, after consultation with the Congress under paragraph (1), notifies the House of Representatives and the Senate of his determination and publishes notice of that determination in the Federal Register,

Document, submittal to Congress.

(B) the President transmits a document to the House of Representatives and to the Senate containing a copy of the text of such requirement, amendment, or recommendation, together with—

(i) a draft of a bill to amend or repeal provisions of existing statutes or to create statutory authority and an explanation as to how the bill and any proposed administrative action affect existing law, and

(ii) a statement of how the requirement, amendment, or recommendation serves the interests of United States commerce and why the legislative and administrative action is necessary or appropriate to carry out the requirement, amendment, or recommendation, and

(C) the bill submitted by the President is enacted into law.

(3) RECOMMENDATIONS AS TO APPLICATION.—The President may make the same type of recommendations, in the same manner and subject to the same conditions, to the Congress with respect to the application of any such requirement, amendment, or recommendation as he may make, under section 102(f) of the Trade Act of 1974, with respect to a trade agreement.

19 USC 2112.

(4) CONGRESSIONAL PROCEDURES APPLICABLE.—The bill submitted by the President shall be introduced in accordance with the provisions of subsection (c)(1) of section 151 of the Trade Act of 1974, and the provisions of subsections (d), (e), (f), and (g) of such section shall apply to the consideration of the bill. For the purpose of applying section 151 of such Act to such bill—

19 USC 2191.

"Trade agreement."

(A) the term "trade agreement" shall be treated as a reference to the requirement, amendment, or recommendation, and

"Implementing bill."

(B) the term "implementing bill" or "implementing revenue bill", whichever is appropriate, shall be treated as a reference to the bill submitted by the President.

(e) CONGRESSIONAL LIAISON.—Paragraph (1) of section 161(b) of the Trade Act of 1974 (19 U.S.C. 2211(b)) is amended by inserting "or any requirement of, amendment to, or recommendation under, such agreement" immediately after "trade agreement".

(f) UNSPECIFIED PRIVATE REMEDIES NOT CREATED.—Neither the entry into force with respect to the United States of any agreement approved under section 2(a), nor the enactment of this Act, shall be construed as creating any private right of action or remedy for which provision is not explicitly made under this Act or under the laws of the United States.

TITLE I—COUNTERVAILING AND ANTIDUMPING DUTIES

SEC. 101. ADDITION OF NEW COUNTERVAILING AND ANTIDUMPING DUTIES TITLE TO TARIFF ACT OF 1930.

The Tariff Act of 1930 is amended by adding at the end thereof the following new title:

"TITLE VII—COUNTERVAILING AND ANTIDUMPING DUTIES

"Subtitle A—Imposition of Countervailing Duties

"Sec. 701. Countervailing duties imposed.
"Sec. 702. Procedures for initiating a countervailing duty investigation.
"Sec. 703. Preliminary determinations.
"Sec. 704. Termination or suspension of investigation.
"Sec. 705. Final determinations.
"Sec. 706. Assessment of duty.
"Sec. 707. Treatment of difference between deposit of estimated countervailing duty and final assessed duty under countervailing duty order.

"Subtitle B—Imposition of Antidumping Duties

"Sec. 731. Antidumping duties imposed.
"Sec. 732. Procedures for initiating an antidumping duty investigation.
"Sec. 733. Preliminary determinations.
"Sec. 734. Termination or suspension of investigation.
"Sec. 735. Final determinations.
"Sec. 736. Assessment of duty.
"Sec. 737. Treatment of difference between deposit of estimated antidumping duty and final assessed duty under antidumping duty order.
"Sec. 738. Conditional payment of antidumping duty.
"Sec. 739. Duties of customs officers.
"Sec. 740. Antidumping duty treated as regular duty for drawback purposes.

"Subtitle C—Review of Determinations

"Sec. 751. Administrative review of determinations.

"Subtitle D—General Provisions

"Sec. 771. Definitions; special rules.
"Sec. 772. United States price.
"Sec. 773. Foreign market value.
"Sec. 774. Hearings.
"Sec. 775. Subsidy practices discovered during an investigation.
"Sec. 776. Verification of information.
"Sec. 777. Access to information.
"Sec. 778. Interest on certain overpayments and underpayments.

"Subtitle A—Imposition of Countervailing Duties

"SEC. 701. COUNTERVAILING DUTIES IMPOSED.

19 USC 1671.

"(a) GENERAL RULE.—If—

"(1) the administering authority determines that—

"(A) a country under the Agreement, or

"(B) a person who is a citizen or national of such a country, or a corporation, association, or other organization organized in such a country,

is providing, directly or indirectly, a subsidy with respect to the manufacture, production, or exportation of a class or kind of merchandise imported into the United States, and

"(2) the Commission determines that—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of that merchandise,

then there shall be imposed upon such merchandise a countervailing duty, in addition to any other duty imposed, equal to the amount of the net subsidy.

"(b) COUNTRY UNDER THE AGREEMENT.—For purposes of this subtitle, the term 'country under the Agreement' means a country—

"(1) between the United States and which the Agreement on Subsidies and Countervailing Measures applies, as determined under section 2(b) of the Trade Agreements Act of 1979,

"(2) which has assumed obligations with respect to the United States which are substantially equivalent to obligations under the Agreement, as determined by the President, or

"(3) with respect to which the President determines that—

"(A) there is an agreement in effect between the United States and that country which—

"(i) was in force on June 19, 1979, and

"(ii) requires unconditional most-favored-nation treatment with respect to articles imported into the United States,

"(B) the General Agreement on Tariffs and Trade does not apply between the United States and that country, and

"(C) the agreement described in subparagraph (A) does not expressly permit—

"(i) actions required or permitted by the General Agreement on Tariffs and Trade, or required by the Congress, or

"(ii) nondiscriminatory prohibitions or restrictions on importation which are designed to prevent deceptive or unfair practices.

"(c) CROSS REFERENCE.—

> "For provisions of law applicable in the case of merchandise which is the product of a country other than a country under the Agreement, see section 303 of this Act.

"SEC. 702. PROCEDURES FOR INITIATING A COUNTERVAILING DUTY INVESTIGATION.

19 USC 1671a.

"(a) INITIATION BY ADMINISTERING AUTHORITY.—A countervailing duty investigation shall be commenced whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a duty under section 701(a) exist.

"(b) INITIATION BY PETITION.—

"(1) PETITION REQUIREMENTS.—A countervailing duty proceeding shall be commenced whenever an interested party described in subparagraph (C), (D), or (E) of section 771(9) files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of the duty imposed by section 701(a), and which is accompanied by information reasonably available to the petitioner supporting those allegations. The petition may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit. *Post*, p. 176.

"(2) SIMULTANEOUS FILING WITH COMMISSION.—The petitioner shall file a copy of the petition with the Commission on the same day as it is filed with the administering authority.

"(c) PETITION DETERMINATION.—Within 20 days after the date on which a petition is filed under subsection (b), the administering authority shall—

"(1) determine whether the petition alleges the elements necessary for the imposition of a duty under section 701(a) and contains information reasonably available to the petitioner supporting the allegations,

Publication in Federal Register.

"(2) if the determination is affirmative, commence an investigation to determine whether a subsidy is being provided with respect to the class or kind of merchandise described in the petition, and provide for the publication of notice of the determination to commence an investigation in the Federal Register, and

Publication in Federal Register.

"(3) if the determination is negative, dismiss the petition, terminate the proceeding, notify the petitioner in writing of the reasons for the determination, and provide for the publication of notice of the determination in the Federal Register.

"(d) NOTIFICATION TO COMMISSION OF DETERMINATION.—The administering authority shall—

"(1) notify the Commission immediately of any determination it makes under subsection (a) or (c), and

"(2) if the determination is affirmative, make available to the Commission such information as it may have relating to the matter under investigation, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

19 USC 1671b.

"SEC. 703. PRELIMINARY DETERMINATIONS.

"(a) DETERMINATION BY COMMISSION OF REASONABLE INDICATION OF INJURY.—Except in the case of a petition dismissed by the administering authority under section 702(c)(3), the Commission, within 45 days after the date on which a petition is filed under section 702(b) or on which it receives notice from the administering authority of an investigation commenced under section 702(a), shall make a determination, based upon the best information available to it at the time of the determination, of whether there is a reasonable indication that—

"(1) an industry in the United States—

"(A) is materially injured, or

"(B) is threatened with material injury, or

"(2) the establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise which is the subject of the investigation by the administering authority. If that determination is negative, the investigation shall be terminated.

"(b) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—Within 85 days after the date on which a petition is filed under section 702(b), or an investigation is commenced under section 702(a), but not before an affirmative determination by the Commission under subsection (a) of this section, the administering authority shall make a determination, based upon the best information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that a subsidy is being provided with respect to the merchandise which is the subject of the investigation. If the determination of the administering authority under this subsection is affirmative, the determination shall include an estimate of the net subsidy.

"(c) EXTENSION OF PERIOD IN EXTRAORDINARILY COMPLICATED CASES.—

"(1) IN GENERAL.—If—

"(A) the petitioner makes a timely request for an extension of the period within which the determination must be made under subsection (b), or

"(B) the administering authority concludes that the parties concerned are cooperating and determines that—

"(i) the case is extraordinarily complicated by reason of—

"(I) the number and complexity of the alleged subsidy practices;

"(II) the novelty of the issues presented;

"(III) the need to determine the extent to which particular subsidies are used by individual manufacturers, producers, and exporters; or

"(IV) the number of firms whose activities must be investigated; and

"(ii) additional time is necessary to make the preliminary determination,

then the administering authority may postpone making the preliminary determination under subsection (b) until not later than the 150th day after the date on which a petition is filed under section 702(b), or an investigation is commenced under section 702(a).

"(2) NOTICE OF POSTPONEMENT.—The administering authority shall notify the parties to the investigation, not later than 20 days before the date on which the preliminary determination would otherwise be required under subsection (b), if it intends to postpone making the preliminary determination under paragraph (1). The notification shall include an explanation of the reasons for the postponement. Notice of the postponement shall be published in the Federal Register.

Publication in Federal Register.

"(d) EFFECT OF DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the preliminary determination of the administering authority under subsection (b) is affirmative, the administering authority—

"(1) shall order the suspension of liquidation of all entries of merchandise subject to the determination which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the determination in the Federal Register, "(2) shall order the posting of a cash deposit, bond, or other security, as it deems appropriate, for each entry of the merchandise concerned equal to the estimated amount of the net subsidy, and

"(3) shall make available to the Commission all information upon which its determination was based and which the Commission considers relevant to its injury determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"(e) CRITICAL CIRCUMSTANCES DETERMINATIONS.—

"(1) IN GENERAL.—If a petitioner alleges critical circumstances in its original petition, or by amendment at any time more than 20 days before the date of a final determination by the administering authority, then the administering authority shall promptly determine, on the basis of the best information available to it at that time, whether there is a reasonable basis to believe or suspect that—

"(A) the alleged subsidy is inconsistent with the Agreement, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

"(2) SUSPENSION OF LIQUIDATION.—If the determination of the administering authority under paragraph (1) is affirmative, then any suspension of liquidation ordered under subsection (d)(1) shall apply, or, if notice of such suspension of liquidation is already published, be amended to apply, to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which suspension of liquidation was first ordered.

Publication in Federal Register.

"(f) NOTICE OF DETERMINATIONS.—Whenever the Commission or the administering authority makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

19 USC 1671c.

"SEC. 704. TERMINATION OR SUSPENSION OF INVESTIGATION.

"(a) TERMINATION OF INVESTIGATION ON WITHDRAWAL OF PETITION.—An investigation under this subtitle may be terminated by either the administering authority or the Commission after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner. The Commission may not terminate an investigation under the preceding sentence before a preliminary determination is made by the administering authority under section 703(b).

"(b) AGREEMENTS TO ELIMINATE OR OFFSET COMPLETELY A SUBSIDY OR TO CEASE EXPORTS OF SUBSIDIZED MERCHANDISE.—The administering authority may suspend an investigation if the government of the country in which the subsidy practice is alleged to occur agrees, or exporters who account for substantially all of the imports of the merchandise which is the subject of the investigation agree—

"(1) to eliminate the subsidy completely or to offset completely the amount of the net subsidy, with respect to that merchandise exported directly or indirectly to the United States, within 6 months after the date on which the investigation is suspended, or

"(2) to cease exports of that merchandise to the United States within 6 months after the date on which the investigation is suspended.

"(c) AGREEMENTS ELIMINATING INJURIOUS EFFECT.—

"(1) GENERAL RULE.—If the administering authority determines that extraordinary circumstances are present in a case, it may suspend an investigation upon the acceptance of an agreement from a government described in subsection (b), or from exporters described in subsection (b), if the agreement will eliminate completely the injurious effect of exports to the United States of the merchandise which is the subject of the investigation.

"(2) CERTAIN ADDITIONAL REQUIREMENTS.—Except in the case of an agreement by a foreign government to restrict the volume of imports of the merchandise which is the subject of the investigation into the United States, the administering authority may not accept an agreement under this subsection unless—

"(A) the suppression or undercutting of price levels of domestic products by imports of that merchandise will be prevented, and

"(B) at least 85 percent of the net subsidy will be offset.

"(3) QUANTITATIVE RESTRICTIONS AGREEMENTS.—The administering authority may accept an agreement with a foreign government under this subsection to restrict the volume of imports of merchandise which is the subject of an investigation into the United States, but it may not accept such an agreement with exporters.

"(4) DEFINITION OF EXTRAORDINARY CIRCUMSTANCES.—

"(A) EXTRAORDINARY CIRCUMSTANCES.—For purposes of this subsection, the term 'extraordinary circumstances' means circumstances in which—

"(i) suspension of an investigation will be more beneficial to the domestic industry than continuation of the investigation, and

"(ii) the investigation is complex.

"(B) COMPLEX.—For purposes of this paragraph, the term 'complex' means—

"(i) there are a large number of alleged subsidy practices and the practices are complicated,

"(ii) the issues raised are novel, or

"(iii) the number of exporters involved is large.

"(d) ADDITIONAL RULES AND CONDITIONS.—

"(1) PUBLIC INTEREST; MONITORING.—The administering authority shall not accept an agreement under subsection (b) or (c) unless—

"(A) it is satisfied that suspension of the investigation is in the public interest, and

"(B) effective monitoring of the agreement by the United States is practicable.

"(2) EXPORTS OF MERCHANDISE TO UNITED STATES NOT TO INCREASE DURING INTERIM PERIOD.—The administering authority may not accept any agreement under subsection (b) unless that agreement provides a means of ensuring that the quantity of the merchandise covered by that agreement exported to the United States during the period provided for elimination or offset of the subsidy or cessation of exports does not exceed the quantity of such merchandise exported to the United States during the most recent representative period determined by the administering authority.

"(3) REGULATIONS GOVERNING ENTRY OR WITHDRAWALS.—In order to carry out an agreement concluded under subsection (b) or (c), the administering authority is authorized to prescribe regulations governing the entry, or withdrawal from warehouse, for consumption of merchandise covered by such agreement.

"(e) SUSPENSION OF INVESTIGATION PROCEDURE.—Before an investigation may be suspended under subsection (b) or (c) the administering authority shall—

"(1) notify the petitioner of, and consult with the petitioner concerning, its intention to suspend the investigation, and notify other parties to the investigation and the Commission not less than 30 days before the date on which it suspends the investigation,

"(2) provide a copy of the proposed agreement to the petitioner at the time of the notification, together with an explanation of how the agreement will be carried out and enforced (including any action required of foreign governments), and of how the agreement will meet the requirements of subsections (b) and (d) or (c) and (d), and

"(3) permit all parties to the investigation to submit comments and information for the record before the date on which notice of suspension of the investigation is published under subsection (f)(1)(A).

"(f) EFFECTS OF SUSPENSION OF INVESTIGATION.—

"(1) IN GENERAL.—If the administering authority determines to suspend an investigation upon acceptance of an agreement described in subsection (b) or (c), then—

Suspension notice, publication.

"(A) it shall suspend the investigation, publish notice of suspension of the investigation, and issue an affirmative preliminary determination under section 703(b) with respect to the merchandise which is the subject of the investigation, unless it has previously issued such a determination in the same investigation,

"(B) the Commission shall suspend any investigation it is conducting with respect to that merchandise, and

"(C) the suspension of investigation shall take effect on the day on which such notice is published.

"(2) LIQUIDATION OF ENTRIES.—

"(A) CESSATION OF EXPORTS; COMPLETE ELIMINATION OF NET SUBSIDY.—If the agreement accepted by the administering authority is an agreement described in subsection (b), then—

"(i) notwithstanding the affirmative preliminary determination required under paragraph (1)(A), the liquidation of entries of merchandise which is the subject of the investigation shall not be suspended under section 703(d)(1),

"(ii) if the liquidation of entries of such merchandise was suspended pursuant to a previous affirmative preliminary determination in the same case with respect to such merchandise, that suspension of liquidation shall terminate, and

"(iii) the administering authority shall refund any cash deposit and release any bond or other security deposited under section 703(d)(1).

"(B) OTHER AGREEMENTS.—If the agreement accepted by the administering authority is an agreement described in subsection (c), then the liquidation of entries of the merchandise which is the subject of the investigation shall be suspended under section 703(d)(1), or, if the liquidation of entries of such merchandise was suspended pursuant to a previous affirmative preliminary determination in the same case, that suspension of liquidation shall continue in effect, subject to subsection (h)(3), but the security required under section 703(d)(2) may be adjusted to reflect the effect of the agreement.

"(3) Where investigation is continued.—If, pursuant to subsection (g), the administering authority and the Commission continue an investigation in which an agreement has been accepted under subsection (b) or (c), then—

"(A) if the final determination by the administering authority or the Commission under section 705 is negative, the agreement shall have no force or effect and the investigation shall be terminated, or

"(B) if the final determinations by the administering authority and the Commission under such section are affirmative, the agreement shall remain in force, but the administering authority shall not issue a countervailing duty order in the case so long as—

"(i) the agreement remains in force,

"(ii) the agreement continues to meet the requirements of subsections (b) and (d) or (c) and (d), and

"(iii) the parties to the agreement carry out their obligations under the agreement in accordance with its terms.

"(g) Investigation To Be Continued Upon Request.—If the administering authority, within 20 days after the date of publication of the notice of suspension of an investigation, receives a request for the continuation of the investigation from—

"(1) the government of the country in which the subsidy practice is alleged to occur, or

"(2) an interested party described in subparagraph (C), (D), or (E) of section 771(9) which is a party to the investigation, *Post*, p. 176.

then the administering authority and the Commission shall continue the investigation.

"(h) Review of Suspension.—

"(1) In general.—Within 20 days after the suspension of an investigation under subsection (c), an interested party which is a party to the investigation and which is described in subparagraph (C), (D), or (E) of section 771(9) may, by petition filed with the Commission and with notice to the administering authority, ask for a review of the suspension.

"(2) Commission investigation.—Upon receipt of a review petition under paragraph (1), the Commission shall, within 75 days after the date on which the petition is filed with it, determine whether the injurious effect of imports of the merchandise which is the subject of the investigation is eliminated completely by the agreement. If the Commission's determination under this subsection is negative, the investigation shall be resumed on the date of publication of notice of such determination as if the affirmative preliminary determination under section 703(b) had been made on that date.

Publication in Federal Register.

"(3) Suspension of liquidation to continue during review period.—The suspension of liquidation of entries of the merchandise which is the subject of the investigation shall terminate at the close of the 20-day period beginning on the day after the date on which notice of suspension of the investigation is published in the Federal Register, or, if a review petition is filed under paragraph (1) with respect to the suspension of the investigation, in the case of an affirmative determination by the Commission under paragraph (2), the date on which notice of the affirmative determination by the Commission is published. If the determination of the Commission under paragraph (2) is affirmative, then the administering authority shall—

"(A) terminate the suspension of liquidation under section 703(d)(1), and

"(B) release any bond or other security, and refund any cash deposit, required under section 703(d)(2).

"(i) VIOLATION OF AGREEMENT.—

"(1) IN GENERAL.—If the administering authority determines that an agreement accepted under subsection (b) or (c) is being, or has been, violated, or no longer meets the requirements of such subsection (other than the requirement, under subsection (c)(1), of elimination of injury) and subsection (d), then, on the date of publication of its determination, it shall—

"(A) suspend liquidation under section 703(d)(1) of unliquidated entries of the merchandise made on or after the later of—

"(i) the date which is 90 days before the date of publication of the notice of suspension of liquidation, or

"(ii) the date on which the merchandise, the sale or export to the United States of which was in violation of the agreement, or under an agreement which no longer meets the requirements of subsections (b) and (d) or (c) and (d), was first entered, or withdrawn from warehouse, for consumption,

"(B) if the investigation was not completed, resume the investigation as if its affirmative preliminary determination under section 703(b) were made on the date of its determination under this paragraph,

"(C) if the investigation was completed under subsection (g), issue a countervailing duty order under section 706(a) effective with respect to entries of merchandise the liquidation of which was suspended, and

Notification.

"(D) notify the petitioner, interested parties who are or were parties to the investigation, and the Commission of its action under this paragraph.

"(2) INTENTIONAL VIOLATION TO BE PUNISHED BY CIVIL PENALTY.—Any person who intentionally violates an agreement accepted by the administering authority under subsection (b) or (c) shall be subject to a civil penalty assessed in the same amount, in the same manner, and under the same procedure, as the penalty imposed for a fraudulent violation of section 592(a) of this Act.

19 USC 1592.

"(j) DETERMINATION NOT TO TAKE AGREEMENT INTO ACCOUNT.—In making a final determination under section 705, or in conducting a review under section 751, in a case in which the administering authority has terminated a suspension of investigation under subsection (i)(1), or continued an investigation under subsection (g), the Commission and the administering authority shall consider all of the merchandise which is the subject of the investigation, without regard to the effect of any agreement under subsection (b) or (c).

"SEC. 705. FINAL DETERMINATIONS.

19 USC 1671d.

"(a) FINAL DETERMINATION BY ADMINISTERING AUTHORITY.—

"(1) IN GENERAL.—Within 75 days after the date of its preliminary determination under section 703(b), the administering authority shall make a final determination of whether or not a subsidy is being provided with respect to the merchandise.

"(2) CRITICAL CIRCUMSTANCES DETERMINATIONS.—If the final determination of the administering authority is affirmative, then that determination, in any investigation in which the presence of critical circumstances has been alleged under section 703(e), shall also contain a finding as to whether—

"(A) the subsidy is inconsistent with the Agreement, and

"(B) there have been massive imports of the class or kind of merchandise involved over a relatively short period.

"(b) FINAL DETERMINATION BY COMMISSION.—

"(1) IN GENERAL.—The Commission shall make a final determination of whether—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a).

"(2) PERIOD FOR INJURY DETERMINATION FOLLOWING AFFIRMATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 703(b) is affirmative, then the Commission shall make the determination required by paragraph (1) before the later of—

"(A) the 120th day after the day on which the administering authority makes its affirmative preliminary determination under section 703(b), or

"(B) the 45th day after the day on which the administering authority makes its affirmative final determination under subsection (a).

"(3) PERIOD FOR INJURY DETERMINATION FOLLOWING NEGATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 703(b) is negative, and its final determination under subsection (a) is affirmative, then the final determination by the Commission under this subsection shall be made within 75 days after the date of that affirmative final determination.

"(4) CERTAIN ADDITIONAL FINDINGS.—

"(A) If the finding of the administering authority under subsection (a)(2) is affirmative, then the final determination of the Commission shall include findings as to whether—

"(i) there is material injury which will be difficult to repair, and

"(ii) the material injury was by reason of such massive imports of the subsidized merchandise over a relatively short period.

"(B) If the final determination of the Commission is that there is no material injury but that there is threat of material injury, then its determination shall also include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.

"(c) EFFECT OF FINAL DETERMINATIONS.—

"(1) EFFECT OF AFFIRMATIVE DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the determination of the administering authority under subsection (a) is affirmative, then—

"(A) the administering authority shall make available to the Commission all information upon which such determination was based and which the Commission considers relevant to its determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority, and

"(B) in cases where the preliminary determination by the administering authority under section 703(b) was negative, the administering authority shall order under paragraphs (1) and (2) of section 703(d) the suspension of liquidation and the posting of a cash deposit, bond, or other security.

"(2) ISSUANCE OF ORDER; EFFECT OF NEGATIVE DETERMINATION.—If the determinations of the administering authority and the Commission under subsections (a)(1) and (b)(1) are affirmative, then the administering authority shall issue a countervailing duty order under section 706(a). If either of such determinations is negative, the investigation shall be terminated upon the publication of notice of that negative determination and the administering authority shall—

"(A) terminate the suspension of liquidation under section 703(d)(1), and

"(B) release any bond or other security and refund any cash deposit required under section 703(d)(2).

"(3) EFFECT OF NEGATIVE DETERMINATIONS UNDER SUBSECTIONS (a)(2) AND (b)(4)(A).—If the determination of the administering authority or the Commission under subsection (a)(2) and (b)(4)(A), respectively, is negative, then the administering authority shall—

"(A) terminate any retroactive suspension of liquidation required under section 703(e)(2), and

"(B) release any bond or other security, and refund any cash deposit required, under section 703(d)(2) with respect to entries of the merchandise the liquidation of which was suspended retroactively under section 703(e)(2).

Publication in Federal Register.

"(d) PUBLICATION OF NOTICE OF DETERMINATIONS.—Whenever the administering authority or the Commission makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

19 USC 1671e.

"SEC. 706. ASSESSMENT OF DUTY.

"(a) PUBLICATION OF COUNTERVAILING DUTY ORDER.—Within 7 days after being notified by the Commission of an affirmative determination under section 705(b), the administering authority shall publish a countervailing duty order which—

"(1) directs customs officers to assess a countervailing duty equal to the amount of the net subsidy determined or estimated to exist, within 6 months after the date on which the administering authority receives satisfactory information upon which the assessment may be based, but in no event later than 12 months after the end of the annual accounting period of the manufactuer or exporter within which the merchandise is entered, or withdrawn from warehouse, for consumption,

"(2) includes a description of the class or kind of merchandise to which it applies, in such detail as the administering authority deems necessary, and

"(3) requires the deposit of estimated countervailing duties pending liquidation of entries of merchandise at the same time as estimated normal customs duties on that merchandise are deposited.

"(b) IMPOSITION OF DUTIES.—

"(1) GENERAL RULE.—If the Commission, in its final determination under section 705(b), finds material injury or threat of material injury which, but for the suspension of liquidation under section 703(d)(1), would have led to a finding of material injury, then entries of the merchandise subject to the countervailing duty order, the liquidation of which has been suspended under section 703(d)(1), shall be subject to the imposition of countervailing duties under section 701(a).

"(2) SPECIAL RULE.—If the Commission, in its final determination under section 705(b), finds threat of material injury, other than threat of material injury described in paragraph (1), or material retardation of the establishment of an industry in the United States, then merchandise subject to a countervailing duty order which is entered, or withdrawn from warehouse, for consumption on or after the date of publication of notice of an affirmative determination of the Commission under section 705(b) shall be subject to the imposition of countervailing duties under section 701(a), and the administering authority shall release any bond or other security, and refund any cash deposit made, to secure the payment of countervailing duties with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption before that date.

"SEC. 707. TREATMENT OF DIFFERENCE BETWEEN DEPOSIT OF ESTIMATED COUNTERVAILING DUTY AND FINAL ASSESSED DUTY UNDER COUNTERVAILING DUTY ORDER.

19 USC 1671f.

"(a) DEPOSIT OF ESTIMATED COUNTERVAILING DUTY UNDER SECTION 703(d)(2).—If the amount of a cash deposit, or the amount of any bond or other security, required as security for an estimated countervailing duty under section 703(d)(2) is different from the amount of the countervailing duty determined under a countervailing duty order issued under section 706, then the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption before notice of the affirmative determination of the Commission under section 705(b) is published shall be—

"(1) disregarded, to the extent that the cash deposit, bond, or other security is lower than the duty under the order, or

"(2) refunded or released, to the extent that the cash deposit, bond, or other security is higher than the duty under the order.

"(b) DEPOSIT OF ESTIMATED COUNTERVAILING DUTY UNDER SECTION 706(a)(3).—If the amount of an estimated countervailing duty deposited under section 706(a)(3) is different from the amount of the countervailing duty determined under a countervailing duty order issued under section 706, then the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption after notice of the affirmative determination of the Commission under section 705(b) is published shall be—

"(1) collected, to the extent that the deposit under section 706(a)(3) is lower than the duty determined under the order, or

"(2) refunded, to the extent that the deposit under section 706(a)(3) is higher than the duty determined under the order,

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together with interest as provided by section 778.

"Subtitle B—Imposition of Antidumping Duties

19 USC 1673.

"SEC. 731. ANTIDUMPING DUTIES IMPOSED.

"If—

"(1) the administering authority determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value, and

"(2) the Commission determines that—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of that merchandise,

then there shall be imposed upon such merchandise an antidumping duty, in addition to any other duty imposed, in an amount equal to the amount by which the foreign market value exceeds the United States price for the merchandise.

19 USC 1673a.

"SEC. 732. PROCEDURES FOR INITIATING AN ANTIDUMPING DUTY INVESTIGATION.

"(a) INITIATION BY ADMINISTERING AUTHORITY.—An antidumping duty investigation shall be commenced whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a duty under section 731 exist.

"(b) INITIATION BY PETITION.—

"(1) PETITION REQUIREMENTS.—An antidumping proceeding shall be commenced whenever an interested party described in subparagraph (C), (D), or (E) of section 771(9) files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of the duty imposed by section 731, and which is accompanied by information reasonably available to the petitioner supporting those allegations. The petition may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit.

"(2) SIMULTANEOUS FILING WITH COMMISSION.—The petitioner shall file a copy of the petition with the Commission on the same day as it is filed with the administering authority.

"(c) PETITION DETERMINATION.—Within 20 days after the date on which a petition is filed under subsection (b), the administering authority shall—

"(1) determine whether the petition alleges the elements necessary for the imposition of a duty under section 731 and contains information reasonably available to the petitioner supporting the allegations, "(2) if the determination is affirmative, commence an investigation to determine whether the class or kind of merchandise described in the petition is being, or is likely to be, sold in the United States at less than its fair value, and provide for the publication of notice of the determination in the Federal Register, and

Publication in Federal Register.

"(3) if the determination is negative, dismiss the petition, terminate the proceeding, notify the petitioner in writing of the reasons for the determination, and provide for the publication of notice of the determination in the Federal Register.

Publication in Federal Register.

"(d) NOTIFICATION TO COMMISSION OF DETERMINATION.—The administering authority shall—

"(1) notify the Commission immediately of any determination it makes under subsection (a) or (c), and

"(2) if the determination is affirmative, make available to the Commission such information as it may have relating to the matter under investigation, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

Availability of information.

"SEC. 733. PRELIMINARY DETERMINATIONS.

19 USC 1673b.

"(a) DETERMINATION BY COMMISSION OF REASONABLE INDICATION OF INJURY.—Except in the case of a petition dismissed by the administering authority under section 732(c)(3), the Commission, within 45 days after the date on which a petition is filed under section 732(b) or on which it receives notice from the administering authority of an investigation commenced under section 732(a), shall make a determination, based upon the best information available to it at the time of the determination, of whether there is a reasonable indication that—

"(1) an industry in the United States—

"(A) is materially injured, or

"(B) is threatened with material injury, or

"(2) the establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise which is the subject of the investigation by the administering authority. If that determination is negative, the investigation shall be terminated.

"(b) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—

"(1) PERIOD OF ANTIDUMPING DUTY INVESTIGATION.—Within 160 days after the date on which a petition is filed under section 732(b), or an investigation is commenced under section 732(a), but not before an affirmative determination by the Commission under subsection (a) of this section, the administering authority shall make a determination, based upon the best information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that the merchandise is being sold, or is likely to be sold at less than fair value. If the determination of the administering authority under this subsection is affirmative, the determination shall include the estimated average amount by which the foreign market value exceeds the United States price.

"(2) PRELIMINARY DETERMINATION UNDER WAIVER OF VERIFICATION.—Within 75 days after the initiation of an investigation, the administering authority shall cause an official designated for such purpose to review the information concerning the case

best copy available

received during the first 60 days of the investigation, and, if there appears to be sufficient information available upon which the preliminary determination can reasonably be based, to disclose to the petitioner and any interested party, then a party to the proceedings that requests such disclosure, all available nonconfidential information and all other information which is disclosed pursuant to section 777. Within 3 days (not counting Saturdays, Sundays, or legal public holidays) after such disclosure, the petitioner and each party which is an interested party described in subparagraph (C), (D), or (E) of section 771(9) to whom such disclosure was made may furnish to the administering authority an irrevocable written waiver of verification of the information received by the authority, and an agreement that it is willing to have a preliminary determination made on the basis of the record then available to the authority. If a timely waiver and agreement have been received from the petitioner and each party which is an interested party described in subparagraph (C), (D), or (E) of section 771(9) to whom the disclosure was made, and the authority finds that sufficient information is then available upon which the preliminary determination can reasonably be based, a preliminary determination shall be made within 90 days after the commencement of the investigation on the basis of the record established during the first 60 days after the investigation was commenced.

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"(c) EXTENSION OF PERIOD IN EXTRAORDINARILY COMPLICATED CASES.—

"(1) IN GENERAL.—If—

"(A) the petitioner makes a timely request for an extension of the period within which the determination must be made under subsection (b)(1), or

"(B) the administering authority concludes that the parties concerned are cooperating and determines that—

"(i) the case is extraordinarily complicated by reason of—

"(I) the number and complexity of the transactions to be investigated or adjustments to be considered,

"(II) the novelty of the issues presented, or

"(III) the number of firms whose activities must be investigated, and

"(ii) additional time is necessary to make the preliminary determination,

then the administering authority may postpone making the preliminary determination under subsection (b)(1) until not later than the 210th day after the date on which a petition is filed under section 732(b), or an investigation is commenced under section 732(a).

"(2) NOTICE OF POSTPONEMENT.—The administering authority shall notify the parties to the investigation, not later than 20 days before the date on which the preliminary determination would otherwise be required under subsection (b)(1), if it intends to postpone making the preliminary determination under paragraph (1). The notification shall include an explanation of the reasons for the postponement, and notice of the postponement shall be published in the Federal Register.

Publication in Federal Register.

"(d) EFFECT OF DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the preliminary determination of the administering authority under subsection (b) is affirmative, the administering authority—

"(1) shall order the suspension of liquidation of all entries of merchandise subject to the determination which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the determination in the Federal Register,

"(2) shall order the posting of a cash deposit, bond, or other security, as it deems appropriate, for each entry of the merchandise concerned equal to the estimated average amount by which the foreign market value exceeds the United States price, and

"(3) shall make available to the Commission all information upon which such determination was based and which the Commission considers relevant to its injury determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"(e) Critical Circumstances Determinations.—

"(1) In general.—If a petitioner alleges critical circumstances in its original petition, or by amendment at any time more than 20 days before the date of a final determination by the administering authority, then the administering authority shall promptly determine, on the basis of the best information available to it at that time, whether there is a reasonable basis to believe or suspect that—

"(A)(i) there is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation, or

"(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

"(2) Suspension of liquidation.—If the determination of the administering authority under paragraph (1) is affirmative, then any suspension of liquidation ordered under subsection (d)(1) shall apply, or, if notice of such suspension of liquidation is already published, be amended to apply, to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which suspension of liquidation was first ordered.

Publication in Federal Register.

"(f) Notice of Determinations.—Whenever the Commission or the administering authority makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

19 USC 1673c.

"SEC. 734. TERMINATION OR SUSPENSION OF INVESTIGATION.

"(a) Termination of Investigation on Withdrawal of Petition.—An investigation under this subtitle may be terminated by either the administering authority or the Commission after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner. The Commission may not terminate an investigation under the preceding sentence before a preliminary determination is made by the administering authority under section 733(b).

"(b) Agreements To Eliminate Completely Sales at Less Than Fair Value or To Cease Exports of Merchandise.—The administering authority may suspend an investigation if the exporters of the merchandise which is the subject of the investigation who account for substantially all of the imports of that merchandise agree—

"(1) to cease exports of the merchandise to the United States within 6 months after the date on which the investigation is suspended, or

"(2) to revise their prices to eliminate completely any amount by which the foreign market value of the merchandise which is the subject of the agreement exceeds the United States price of that merchandise.

"(c) Agreements Eliminating Injurious Effect.—

"(1) General rule.—If the administering authority determines that extraordinary circumstances are present in a case, it may suspend an investigation upon the acceptance of an agreement to revise prices from exporters of the merchandise which is the subject of the investigation who account for substantially all of the imports of that merchandise into the United States, if the agreement will eliminate completely the injurious effect of exports to the United States of that merchandise and if—

"(A) the suppression or undercutting of price levels of domestic products by imports of that merchandise will be prevented, and

"(B) for each entry of each exporter the amount by which the estimated foreign market value exceeds the United States price will not exceed 15 percent of the weighted average amount by which the estimated foreign market value exceeded the United States price for all less-than-fair-value entries of the exporter examined during the course of the investigation.

"(2) Definition of extraordinary circumstances.—

"(A) Extraordinary circumstances.—For purposes of this subsection, the term 'extraordinary circumstances' means circumstances in which—

"(i) suspension of an investigation will be more beneficial to the domestic industry than continuation of the investigation, and

"(ii) the investigation is complex.

"(B) Complex.—For purposes of this paragraph, the term 'complex' means—

"(i) there are a large number of transactions to be investigated or adjustments to be considered,

"(ii) the issues raised are novel, or

"(iii) the number of firms involved is large.

"(d) Additional Rules and Conditions.—

"(1) Public interest; monitoring.—The administering authority shall not accept an agreement under subsection (b) or (c) unless—

"(A) it is satisfied that suspension of the investigation is in the public interest, and

"(B) effective monitoring of the agreement by the United States is practicable.

"(2) Exports of merchandise to united states not to increase during interim period.—The administering authority may not accept any agreement under subsection (b)(1) unless that agreement provides a means of ensuring that the quantity of the merchandise covered by the agreement exported to the United

States during the period provided for cessation of exports does not exceed the quantity of such merchandise exported to the United States during the most recent representative period determined by the administering authority.

"(e) Suspension of Investigation Procedure.—Before an investigation may be suspended under subsection (b) or (c) the administering authority shall—

"(1) notify the petitioner of, and consult with the petitioner concerning, its intention to suspend the investigation, and notify other parties to the investigation and the Commission not less than 30 days before the date on which it suspends the investigation,

Notification.

"(2) provide a copy of the proposed agreement to the petitioner at the time of the notification, together with an explanation of how the agreement will be carried out and enforced, and of how the agreement will meet the requirements of subsections (b) and (d) or (c) and (d), and

Copies of proposed agreement.

"(3) permit all parties to the investigation to submit comments and information for the record before the date on which notice of suspension of the investigation is published under subsection (f)(1)(A).

Submittal of comments and information.

"(f) Effects of Suspension of Investigation.—

"(1) In general.—If the administering authority determines to suspend an investigation upon acceptance of an agreement described in subsection (b) or (c), then—

"(A) it shall suspend the investigation, publish notice of suspension of the investigation, and issue an affirmative preliminary determination under section 733(b) with respect to the merchandise which is the subject of the investigation, unless it has previously issued such a determination in the same investigation,

Notice.

"(B) the Commission shall suspend any investigation it is conducting with respect to that merchandise, and

"(C) the suspension of investigation shall take effect on the day on which such notice is published.

"(2) Liquidation of entries.—

"(A) Cessation of exports; complete elimination of dumping margin.—If the agreement accepted by the administering authority is an agreement described in subsection (b), then—

"(i) notwithstanding the affirmative preliminary determination required under paragraph (1)(A), the liquidation of entries of merchandise which is the subject of the investigation shall not be suspended under section 733(d)(1),

"(ii) if the liquidation of entries of such merchandise was suspended pursuant to a previous affirmative preliminary determination in the same case with respect to such merchandise, that suspension of liquidation shall terminate, and

"(iii) the administering authority shall refund any cash deposit and release any bond or other security deposited under section 733(d)(2).

"(B) Other agreements.—If the agreement accepted by the administering authority is an agreement described in subsection (c), the liquidation of entries of the merchandise subject to the investigation shall be suspended under section 733(d)(1), or, if the liquidation of entries of such merchandise was suspended pursuant to a previous affirmative preliminary determination in the same case, that suspension of liquidation shall continue in effect, subject to subsection (h)(3), but the security required under section 733(d)(2) may be adjusted to reflect the effect of the agreement.

"(3) Where investigation is continued.—If, pursuant to subsection (g), the administering authority and the Commission continue an investigation in which an agreement has been accepted under subsection (b) or (c), then—

"(A) if the final determination by the administering authority or the Commission under section 735 is negative, the agreement shall have no force or effect and the investigation shall be terminated, or

"(B) if the final determinations by the administering authority and the Commission under such section are affirmative, the agreement shall remain in force, but the administering authority shall not issue an antidumping duty order in the case so long as—

"(i) the agreement remains in force,

"(ii) the agreement continues to meet the requirements of subsections (b) and (d), or (c) and (d), and

"(iii) the parties to the agreement carry out their obligations under the agreement in accordance with its terms.

"(g) Investigation To Be Continued Upon Request.—If the administering authority, within 20 days after the date of publication of the notice of suspension of an investigation, receives a request for the continuation of the investigation from—

"(1) an exporter or exporters accounting for a significant proportion of exports to the United States of the merchandise which is the subject of the investigation, or

"(2) an interested party described in subparagraph (C), (D), or (E) of section 771(9) which is a party to the investigation,

then the administering authority and the Commission shall continue the investigation.

"(h) Review of Suspension.—

"(1) In general.—Within 20 days after the suspension of an investigation under subsection (c), an interested party which is a party to the investigation and which is described in subparagraph (C), (D), or (E) of section 771(9) may, by petition filed with the Commission and with notice to the administering authority, ask for a review of the suspension.

"(2) Commission investigation.—Upon receipt of a review petition under paragraph (1), the Commission shall, within 75 days after the date on which the petition is filed with it, determine whether the injurious effect of imports of the merchandise which is the subject of the investigation is eliminated completely by the agreement. If the Commission's determination under this subsection is negative, the investigation shall be resumed on the date of publication of notice of such determination as if the affirmative preliminary determination under section 733(b) had been made on that date.

"(3) Suspension of liquidation to continue during review period.—The suspension of liquidation of entries of the merchandise which is the subject of the investigation shall terminate at the close of the 20-day period beginning on the day after the date on which notice of suspension of the investigation is published in the Federal Register, or, if a review petition is filed under paragraph (1) with respect to the suspension of the investigation, in the case of an affirmative determination by the Commission under paragraph (2), the date on which notice of an affirmative determination by the Commission is published. If the determination of the Commission under paragraph (2) is affirmative, then the administering authority shall—

"(A) terminate the suspension of liquidation under section 733(d)(1), and

"(B) release any bond or other security, and refund any cash deposit, required under section 733(d)(2).

"(i) Violation of Agreement.—

"(1) In general.—If the administering authority determines that an agreement accepted under subsection (b) or (c) is being, or has been, violated, or no longer meets the requirements of such subsection (other than the requirement, under subsection (c)(1), of elimination of injury) and subsection (d), then, on the date of publication of its determination, it shall—

"(A) suspend liquidation under section 733(d)(1) of unliquidated entries of the merchandise made on the later of—

"(i) the date which is 90 days before the date of publication of the notice of suspension of liquidation, or

"(ii) the date on which the merchandise, the sale or export to the United States of which was in violation of the agreement, or under an agreement which no longer meets the requirements of subsections (b) and (d), or (c) and (d), was first entered, or withdrawn from warehouse, for consumption,

"(B) if the investigation was not completed, resume the investigation as if its affirmative preliminary determination were made on the date of its determination under this paragraph,

"(C) if the investigation was completed under subsection (g), issue an antidumping duty order under section 736(a) effective with respect to entries of merchandise liquidation of which was suspended, and

"(D) notify the petitioner, interested parties who are or were parties to the investigation, and the Commission of its action under this paragraph. Notification.

"(2) Intentional violation to be punished by civil penalty.—Any person who intentionally violates an agreement accepted by the administering authority under subsection (b) or (c) shall be subject to a civil penalty assessed in the same amount, in the same manner, and under the same procedures, as the penalty imposed for a fraudulent violation of section 592(a) of this Act. 19 USC 1592.

"(j) Determination Not To Take Agreement Into Account.—In making a final determination under section 735, or in conducting a review under section 751, in a case in which the administering authority has terminated a suspension of investigation under subsection (i)(1), or continued an investigation under subsection (g), the Commission and the administering authority shall consider all of the merchandise which is the subject of the investigation without regard to the effect of any agreement under subsection (b) or (c).

"SEC. 735. FINAL DETERMINATIONS.

19 USC 1673d.

"(a) Final Determination by Administering Authority.—

"(1) General rule.—Within 75 days after the date of its preliminary determination under section 733(b), the administering authority shall make a final determination of whether the merchandise which was the subject of the investigation is being, or is likely to be, sold in the United States at less than its fair value.

"(2) EXTENSION OF PERIOD FOR DETERMINATION.—The administering authority may postpone making the final determination under paragraph (1) until not later than the 135th day after the date on which it published notice of its preliminary determination under section 733(b) if a request in writing for such a postponement is made by—

"(A) exporters who account for a significant proportion of exports of the merchandise which is the subject of the investigation, in a proceeding in which the preliminary determination by the administering authority under section 733(b) was affirmative, or

"(B) the petitioner, in a proceeding in which the preliminary determination by the administering authority under section 733(b) was negative.

"(3) CRITICAL CIRCUMSTANCES DETERMINATIONS.—If the final determination of the administering authority is affirmative, then that determination, in any investigation in which the presence of critical circumstances has been alleged under section 733(e), shall also contain a finding of whether—

"(A)(i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

"(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

"(B) there have been massive imports of the merchandise which is the subject of the investigation over a relatively short period.

"(b) FINAL DETERMINATION BY COMMISSION.—

"(1) IN GENERAL.—The Commission shall make a final determination of whether—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a)(1).

"(2) PERIOD FOR INJURY DETERMINATION FOLLOWING AFFIRMATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 733(b) is affirmative, then the Commission shall make the determination required by paragraph (1) before the later of—

"(A) the 120th day after the day on which the administering authority makes its affirmative preliminary determination under section 733(b), or

"(B) the 45th day after the day on which the administering authority makes its affirmative final determination under subsection (a).

"(3) PERIOD FOR INJURY DETERMINATION FOLLOWING NEGATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 733(b) is negative, and its final determination under subsection (a) is affirmative, then the final determination by the Commission under this subsection shall be made within 75 days after the date of that affirmative final determination.

"(4) Certain additional findings.—

"(A) If the finding of the administering authority under subsection (a)(2) is affirmative, then the final determination of the Commission shall include a finding as to whether the material injury is by reason of massive imports described in subsection (a)(3) to an extent that, in order to prevent such material injury from recurring, it is necessary to impose the duty imposed by section 731 retroactively on those imports.

"(B) If the final determination of the Commission is that there is no material injury but that there is threat of material injury, then its determination shall also include a finding as to whether material injury by reason of the imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of the merchandise.

"(c) Effect of Final Determinations.—

"(1) Effect of affirmative determination by the administering authority.—If the determination of the administering authority under subsection (a) is affirmative, then—

"(A) the administering authority shall make available to the Commission all information upon which such determination was based and which the Commission considers relevant to its determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information as to which confidential treatment has been given by the administering authority, and

"(B) in cases where the preliminary determination by the administering authority under section 733(b) was negative, the administering authority shall order under paragraphs (1) and (2) of section 733(d) the suspension of liquidation and the posting of a cash deposit, bond, or other security.

"(2) Issuance of order; effect of negative determination.—If the determinations of the administering authority and the Commission under subsections (a)(1) and (b)(1) are affirmative, then the administering authority shall issue an antidumping duty order under section 736(a). If either of such determinations is negative, the investigation shall be terminated upon the publication of notice of that negative determination and the administering authority shall—

"(A) terminate the suspension of liquidation under section 703(d)(1), and

"(B) release any bond or other security, and refund any cash deposit, required under section 733(d)(2).

"(3) Effect of negative determinations under subsections (a)(3) and (b)(4)(A).—If the determination of the administering authority or the Commission under subsection (a)(3) or (b)(4)(A), respectively, is negative, then the administering authority shall—

"(A) terminate any retroactive suspension of liquidation required under section 733(e)(2), and

"(B) release any bond or other security, and refund any cash deposit required, under section 733(d)(2) with respect to entries of the merchandise the liquidation of which was suspended retroactively under section 733(e)(2).

Publication in Federal Register.

"(d) Publication of Notice of Determinations.—Whenever the administering authority or the Commission makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

19 USC 1673e.

"SEC. 736. ASSESSMENT OF DUTY.

"(a) Publication of Antidumping Duty Order.—Within 7 days after being notified by the Commission of an affirmative determination under section 735(b), the administering authority shall publish an antidumping duty order which—

"(1) directs customs officers to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise, within 6 months after the date on which the administering authority receives satisfactory information upon which the assessment may be based, but in no event later than—

"(A) 12 months after the end of the annual accounting period of the manufacturer or exporter within which the merchandise is entered, or withdrawn from warehouse, for consumption, or

"(B) in the case of merchandise not sold prior to its importation into the United States, 12 months after the end of the annual accounting period of the manufacturer or exporter within which it is sold in the United States to a person who is not the exporter of that merchandise,

"(2) includes a description of the class or kind of merchandise to which it applies, in such detail as the administering authority deems necessary, and

"(3) requires the deposit of estimated antidumping duties pending liquidation of entries of merchandise at the same time as estimated normal customs duties on that merchandise are deposited.

"(b) Imposition of Duty.—

"(1) General rule.—If the Commission, in its final determination under section 735(b), finds material injury or threat of material injury which, but for the suspension of liquidation under section 733(d)(1) would have led to a finding of material injury, then entries of the merchandise subject to the antidumping duty order, the liquidation of which has been suspended under section 733(d)(1), shall be subject to the imposition of antidumping duties under section 731.

"(2) Special rule.—If the Commission, in its final determination under section 735(b), finds threat of material injury, other than threat of material injury described in paragraph (1), or material retardation of the establishment of an industry in the United States, then merchandise subject to an antidumping duty order which is entered, or withdrawn from warehouse, for consumption on or after the date of publication of notice of an affirmative determination of the Commission under section 735(b) shall be subject to the assessment of antidumping duties under section 731, and the administering authority shall release any bond or other security, and refund any cash deposit made, to secure the payment of antidumping duties with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption before that date.

"(c) Security in Lieu of Estimated Duty Pending Early Determination of Duty.—

"(1) Conditions for waiver of deposit of estimated duties.—The administering authority may permit, for not more than 90 days after the date of publication of an order under subsection (a), the posting of a bond or other security in lieu of the deposit of estimated antidumping duties required under subsection (a)(3) if, on the basis of information presented to it by any manufacturer, producer, or exporter in such form and within such time as it may require, it is satisfied that it will be able to determine, within 90 days after the date of publication of an order under subsection (a), the foreign market value and the United States price for all merchandise of such manufacturer, producer, or exporter described in that order which was entered, or withdrawn from warehouse, for consumption on or after the date of publication of—

"(A) an affirmative preliminary determination by the administering authority under section 733(b), or

"(B) if its determination under section 733(b) was negative, an affirmative final determination by the administering authority under section 735(a),

and before the date of publication of the affirmative final determination by the Commission under section 735(b).

"(2) Notice; hearing.—If the administering authority permits the posting of a bond or other security in lieu of the deposit of estimated antidumping duties under paragraph (1), it shall—

"(A) publish notice of its action in the Federal Register, and

Publication in Federal Register.

"(B) upon the request of any interested party, hold a hearing in accordance with section 774 before determining the foreign market value and the United States price of the merchandise.

"(3) Determinations to be basis of antidumping duty.—The administering authority shall publish notice in the Federal Register of the results of its determination of foreign market value and United States price, and that determination shall be the basis for the assessment of antidumping duties on entries of merchandise to which the notice under this subsection applies and also shall be the basis for the deposit of estimated antidumping duties on future entries of merchandise of manufacturers, producers, or exporters described in paragraph (1) to which the order issued under subsection (a) applies.

Publication in Federal Register.

"SEC. 737. TREATMENT OF DIFFERENCE BETWEEN DEPOSIT OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER.

19 USC 1673f.

"(a) Deposit of Estimated Antidumping Duty Under Section 733(d)(2).—If the amount of a cash deposit collected as security for an estimated antidumping duty under section 733(d)(2) is different from the amount of the antidumping duty determined under an antidumping duty order published under section 736, then the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption before notice of the affirmative determination of the Commission under section 735(b) is published shall be—

"(1) disregarded, to the extent the cash deposit collected is lower than the duty under the order, or

"(2) refunded, to the extent the cash deposit is higher than the duty under the order.

"(b) DEPOSIT OF ESTIMATED ANTIDUMPING DUTY UNDER SECTION 736(a)(3).—If the amount of an estimated antidumping duty deposited under section 736(a)(3) is different from the amount of the antidumping duty determined under an antidumping duty order published under section 736, then the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption after notice of the affirmative determination of the Commission under section 735 (b) is published shall be—

"(1) collected, to the extent that the deposit under section 736(a)(3) is lower than the duty determined under the order, or

"(2) refunded, to the extent that the deposit under section 736(a)(3) is higher than the duty determined under the order,

together with interest as provided by section 778.

19 USC 1673g.

"SEC. 738. CONDITIONAL PAYMENT OF ANTIDUMPING DUTY.

"(a) GENERAL RULE.—For all entries, or withdrawals from warehouse, for consumption of merchandise subject to an antidumping duty order on or after the date of publication of such order, no customs officer may deliver merchandise of that class or kind to the person by whom or for whose account it was imported unless that person complies with the requirements of subsection (b) and deposits with the appropriate customs officer an estimated antidumping duty in an amount determined by the administering authority.

"(b) IMPORTER REQUIREMENTS.—In order to meet the requirements of this subsection, a person shall—

"(1) furnish, or arrange to have furnished, to the appropriate customs officer such information as the administering authority deems necessary for determining the United States price of the merchandise imported by or for the account of that person, and such other information as the administering authority deems necessary for ascertaining any antidumping duty to be imposed under this title;

"(2) maintain and furnish to the customs officer such records concerning the sale of the merchandise as the administering authority, by regulation, requires;

"(3) state under oath before the customs officer that he is not an exporter, or if he is an exporter, declare under oath at the time of entry the exporter's sales price of the merchandise to the customs officer if it is then known, or, if not, so declare within 30 days after the merchandise has been sold, or has been made the subject of an agreement to be sold, in the United States; and

"(4) pay, or agree to pay on demand, to the customs officer the amount of antidumping duty imposed under section 731 on that merchandise.

19 USC 1673h.

"SEC. 739. DUTIES OF CUSTOMS OFFICERS.

"In the case of all imported merchandise of a class or kind as to which the administering authority has published an antidumping duty order under section 736 under which entries have not been liquidated, the appropriate customs officer shall, by all reasonable ways and means and consistently with the provisions of this title, ascertain and determine, or estimate, the foreign market value, the United States price, and any other information which the administering authority deems necessary for the purposes of administering this title.

"SEC. 740. ANTIDUMPING DUTY TREATED AS REGULAR DUTY FOR DRAWBACK PURPOSES.

19 USC 1673i.

"The antidumping duty imposed by section 731 shall be treated in all respects as a normal customs duty for the purpose of any law relating to the drawback of customs duties.

"Subtitle C—Review of Determinations

"SEC. 751. ADMINISTRATIVE REVIEW OF DETERMINATIONS.

19 USC 1675.

"(a) Periodic Review of Amount of Duty.—

"(1) In general.—At least once during each 12-month period beginning on the anniversary of the date of publication of a countervailing duty order under this title or under section 303 of this Act, an antidumping duty order under this title or a finding under the Antidumping Act, 1921, or a notice of the suspension of an investigation, the administering authority, after publication of notice of such review in the Federal Register, shall—

Publication in Federal Register.

19 USC 1303.

19 USC 160 note.

"(A) review and determine the amount of any net subsidy,

"(B) review, and determine (in accordance with paragraph (2)), the amount of any antidumping duty, and

"(C) review the current status of, and compliance with, any agreement by reason of which an investigation was suspended, and review the amount of any net subsidy or margin of sales at less than fair value involved in the agreement,

and shall publish the results of such review, together with notice of any duty to be assessed, estimated duty to be deposited, or investigation to be resumed in the Federal Register.

Publication in Federal Register.

"(2) Determination of antidumping duties.—For the purpose of paragraph (1)(B), the administering authority shall determine—

"(A) the foreign market value and United States price of each entry of merchandise subject to the antidumping duty order and included within that determination, and

"(B) the amount, if any, by which the foreign market value of each such entry exceeds the United States price of the entry.

The administering authority, without revealing confidential information, shall publish notice of the results of the determination of antidumping duties in the Federal Register, and that determination shall be the basis for the assessment of antidumping duties on entries of the merchandise included within the determination and for deposits of estimated duties.

Publication in Federal Register.

"(b) Reviews Upon Information or Request.—

"(1) In general.—Whenever the administering authority or the Commission receives information concerning, or a request for the review of, an agreement accepted under section 704 or 734 or an affirmative determination made under section 704(h)(2), 705(a), 705(b), 734(h)(2), 735(a), or 735(b), which shows changed circumstances sufficient to warrant a review of such determination, it shall conduct such a review after publishing notice of the review in the Federal Register. In reviewing its determination under section 704(h)(2) or 734(h)(2), the Commission shall consider whether, in the light of changed circumstances, an

Publication in Federal Register.

agreement accepted under section 704(c) or 734(c) continues to eliminate completely the injurious effects of imports of the merchandise.

"(2) Limitation on period for review.—In the absence of good cause shown—

"(A) the Commission may not review a determination under section 705(b) or 735(b), and

"(B) the administering authority may not review a determination under section 705(a) or 735(a), or the suspension of an investigation suspended under section 704 or 734,

less than 24 months after the date of publication of notice of that determination or suspension.

"(c) Revocation of Countervailing Duty Order or Antidumping Duty Order.—The administering authority may revoke, in whole or in part, a countervailing duty order or an antidumping duty order, or terminate a suspended investigation, after review under this section. Any such revocation or termination shall apply with respect to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on and after a date determined by the administering authority.

"(d) Hearings.—Whenever the administering authority or the Commission conducts a review under this section it shall, upon the request of any interested party, hold a hearing in accordance with section 774(b) in connection with that review.

"(e) Determination That Basis for Suspension No Longer Exists.—If the determination of the Commission under the last sentence of subsection (b)(1) is negative, the agreement shall be treated as not accepted, beginning on the date of the publication of the Commission's determination, and the administering authority and the Commission shall proceed, under section 704(i) or 734(i), as if the agreement had been violated on that date, except that no duty under any order subsequently issued shall be assessed on merchandise entered, or withdrawn from warehouse, for consumption before that date.

"Subtitle D—General Provisions

19 USC 1677.

"SEC. 771. DEFINITIONS; SPECIAL RULES.

"For purposes of this title—

"(1) Administering authority.—The term 'administering authority' means the Secretary of the Treasury, or any other officer of the United States to whom the responsibility for carrying out the duties of the administering authority under this title are transferred by law.

"(2) Commission.—The term 'Commission' means the United States International Trade Commission.

"(3) Country.—The term 'country' means a foreign country, a political subdivision, dependent territory, or possession of a foreign country, and, except for the purpose of antidumping proceedings, may include an association of 2 or more foreign countries, political subdivisions, dependent territories, or possessions of countries into a customs union outside the United States.

"(4) Industry.—

"(A) In general.—The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

"(B) RELATED PARTIES.—When some producers are related to the exporters or importers, or are themselves importers of the allegedly subsidized or dumped merchandise, the term 'industry' may be applied in appropriate circumstances by excluding such producers from those included in that industry.

"(C) REGIONAL INDUSTRIES.—In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—

"(i) the producers within such market sell all or almost all of their production of the like product in question in that market, and

"(ii) the demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.

In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as a whole, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury, or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports.

"(D) PRODUCT LINES.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

"(5) SUBSIDY.—The term 'subsidy' has the same meaning as the term 'bounty or grant' as that term is used in section 303 of this Act, and includes, but is not limited to, the following: 19 USC 1303.

"(A) Any export subsidy described in Annex A to the Agreement (relating to illustrative list of export subsidies).

"(B) The following domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries, whether publicly or privately owned, and whether paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise:

"(i) The provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations.

"(ii) The provision of goods or services at preferential rates.

"(iii) The grant of funds or forgiveness of debt to cover operating losses sustained by a specific industry.

"(iv) The assumption of any costs or expenses of manufacture, production, or distribution.

"(6) NET SUBSIDY.—For the purpose of determining the net subsidy, the administering authority may subtract from the gross subsidy the amount of—

"(A) any application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the subsidy,

"(B) any loss in the value of the subsidy resulting from its deferred receipt, if the deferral is mandated by Government order, and

"(C) export taxes, duties, or other charges levied on the export of merchandise to the United States specifically intended to offset the subsidy received.

"(7) MATERIAL INJURY.—

"(A) IN GENERAL.—The term 'material injury' means harm which is not inconsequential, immaterial, or unimportant.

"(B) VOLUME AND CONSEQUENT IMPACT.—In making its determinations under sections 703(a), 705(b), 733(a), and 735(b), the Commission shall consider, among other factors—

"(i) the volume of imports of the merchandise which is the subject of the investigation,

"(ii) the effect of imports of that merchandise on prices in the United States for like products, and

"(iii) the impact of imports of such merchandise on domestic producers of like products.

"(C) EVALUATION OF VOLUME AND OF PRICE EFFECTS.—For purposes of subparagraph (B)—

"(i) VOLUME.—In evaluating the volume of imports of merchandise, the Commission shall consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to production or consumption in the United States, is significant.

"(ii) PRICE.—In evaluating the effect of imports of such merchandise on prices, the Commission shall consider whether—

"(I) there has been significant price undercutting by the imported merchandise as compared with the price of like products of the United States, and

"(II) the effect of imports of such merchandise otherwise depresses prices to a significant degree or prevents price increases, which otherwise would have occurred, to a significant degree.

"(iii) IMPACT ON AFFECTED INDUSTRY.—In examining the impact on the affected industry, the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to—

"(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

"(II) factors affecting domestic prices, and

"(III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

"(D) SPECIAL RULES FOR AGRICULTURAL PRODUCTS.—

"(i) The Commission shall not determine that there is no material injury or threat of material injury to United States producers of an agricultural commodity merely because the prevailing market price is at or above the minimum support price.

"(ii) In the case of agricultural products, the Commission shall consider any increased burden on government income or price support programs.

"(E) SPECIAL RULES.—For purposes of this paragraph—

"(i) NATURE OF SUBSIDY.—In determining whether there is a threat of material injury, the Commission shall consider such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement) provided by a foreign country and the effects likely to be caused by the subsidy.

"(ii) STANDARD FOR DETERMINATION.—The presence or absence of any factor which the Commission is required to evaluate under subparagraph (C) or (D) shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury.

"(8) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES; AGREEMENT.—The terms 'Agreement on Subsidies and Countervailing Measures' and 'Agreement' mean the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures) approved under section 2(a) of the Trade Agreements Act of 1979.

"(9) INTERESTED PARTY.—The term 'interested party' means—

"(A) a foreign manufacturer, producer, or exporter, or the United States importer, of merchandise which is the subject of an investigation under this title or a trade or business association a majority of the members of which are importers of such merchandise,

"(B) the government of a country in which such merchandise is produced or manufactured,

"(C) a manufacturer, producer, or wholesaler in the United States of a like product,

"(D) a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a like product, and

"(E) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product in the United States.

"(10) LIKE PRODUCT.—The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.

"(11) AFFIRMATIVE DETERMINATIONS BY DIVIDED COMMISSION.—If the Commissioners voting on a determination by the Commission are evenly divided as to whether the determination should be affirmative or negative, the Commission shall be deemed to have made an affirmative determination. For the purpose of applying this paragraph when the issue before the Commission is to determine whether there is—

"(A) material injury to an industry in the United States, "(B) threat of material injury to such an industry, or

"(C) material retardation of the establishment of an industry in the United States,

by reason of imports of the merchandise, an affirmative vote on any of the issues shall be treated as a vote that the determination should be affirmative.

"(12) Attribution of merchandise to country of manufacture or production.—For purposes of subtitle A, merchandise shall be treated as the product of the country in which it was manufactured or produced without regard to whether it is imported directly from that country and without regard to whether it is imported in the same condition as when exported from that country or in a changed condition by reason of remanufacture or otherwise.

"(13) Exporter.—For the purpose of determining United States price, the term 'exporter' includes the person by whom or for whose account the merchandise is imported into the United States if—

"(A) such person is the agent or principal of the exporter, manufacturer, or producer;

"(B) such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer;

"(C) the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

"(D) any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 percent or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 percent or more of such power or control in the business of the exporter, manufacturer, or producer.

"(14) Sold or, in the absence of sales, offered for sale.—The term 'sold or, in the absence of sales, offered for sale' means sold or, in the absence of sales, offered—

"(A) to all purchasers at wholesale, or

"(B) in the ordinary course of trade to one or more selected purchasers at wholesale at a price which fairly reflects the market value of the merchandise,

without regard to restrictions as to the disposition or use of the merchandise by the purchaser except that, where such restrictions are found to affect the market value of the merchandise, adjustment shall be made therefor in calculating the price at which the merchandise is sold or offered for sale.

"(15) Ordinary course of trade.—The term 'ordinary course of trade' means the conditions and practices which, for a reasonable time prior to the exportation of the merchandise which is the subject of an investigation, have been normal in the trade under consideration with respect to merchandise of the same class or kind.

"(16) Such or similar merchandise.—The term 'such or similar merchandise' means merchandise in the first of the following categories in respect of which a determination for the purposes of subtitle B of this title can be satisfactorily made:

"(A) The merchandise which is the subject of an investigation and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, that merchandise.

"(B) Merchandise—

"(i) produced in the same country and by the same person as the merchandise which is the subject of the investigation,

"(ii) like that merchandise in component material or materials and in the purposes for which used, and

"(iii) approximately equal in commercial value to that merchandise.

"(C) Merchandise—

"(i) produced in the same country and by the same person and of the same general class or kind as the merchandise which is the subject of the investigation,

"(ii) like that merchandise in the purposes for which used, and

"(iii) which the administering authority determines may reasonably be compared with that merchandise.

"(17) Usual wholesale quantities.—The term 'usual wholesale quantities', in any case in which the merchandise which is the subject of the investigation is sold in the market under consideration at different prices for different quantities, means the quantities in which such merchandise is there sold at the price or prices for one quantity in an aggregate volume which is greater than the aggregate volume sold at the price or prices for any other quantity.

"SEC. 772. UNITED STATES PRICE.

19 USC 1677a.

"(a) United States Price.—For purposes of this title, the term 'United States price' means the purchase price, or the exporter's sales price, of the merchandise, whichever is appropriate.

"(b) Purchase Price.—For purposes of this section, the term 'purchase price' means the price at which merchandise is purchased, or agreed to be purchased, prior to the date of importation, from the manufacturer or producer of the merchandise for exportation to the United States. Appropriate adjustments for costs and expenses under subsection (d) shall be made if they are not reflected in the price paid by the person by whom, or for whose account, the merchandise is imported.

"(c) Exporter's Sales Price.—For purposes of this section, the term 'exporter's sales price' means the price at which merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, as adjusted under subsections (d) and (e).

"(d) Adjustments to Purchase Price and Exporter's Sales Price.—The purchase price and the exporter's sales price shall be adjusted by being—

"(1) increased by—

"(A) when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States,

"(B) the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States;

"(C) the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and

"(D) the amount of any countervailing duty imposed on the merchandise under subtitle A of this title or section 303 of this Act to offset an export subsidy, and 19 USC 1303.

"(2) reduced by—

"(A) except as provided in paragraph (1)(D), the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and

"(B) the amount, if included in such price, of any export tax, duty, or other charge imposed by the country of exportation on the exportation of the merchandise to the United States other than an export tax, duty, or other charge described in section 771(6)(C).

"(e) Additional Adjustments to Exporter's Sales Price.—For purposes of this section, the exporter's sales price shall also be adjusted by being reduced by the amount, if any, of—

"(1) commissions for selling in the United States the particular merchandise under consideration,

"(2) expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and

"(3) any increased value, including additional material and labor, resulting from a process of manufacture or assembly performed on the imported merchandise after the importation of the merchandise and before its sale to a person who is not the exporter of the merchandise.

19 USC 1677b.

"SEC. 773. FOREIGN MARKET VALUE.

"(a) Determination; Fictitious Market; Sales Agencies.—For purposes of this title—

"(1) In general.—The foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States—

"(A) at which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption, or

"(B) if not so sold or offered for sale for home consumption, or if the administering authority determines that the quantity sold for home consumption is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison, then the price at which so sold or offered for sale for exportation to countries other than the United States,

increased by, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of importation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

"(2) USE OF CONSTRUCTED VALUE.—If the administering authority determines that the foreign market value of imported merchandise cannot be determined under paragraph (1)(A), then, notwithstanding paragraph (1)(B), the foreign market value of the merchandise may be the constructed value of that merchandise, as determined under subsection (e).

"(3) INDIRECT SALES AND OFFERS FOR SALE.—If such or similar merchandise is sold or, in the absence of sales, offered for sale through a sales agency or other organization related to the seller in any of the respects described in section 771(13), the prices at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in determining the foreign market value.

"(4) OTHER ADJUSTMENTS.—In determining foreign market value, if it is established to the satisfaction of the administering authority that the amount of any difference between the United States price and the foreign market value (or that the fact that the United States price is the same as the foreign market value) is wholly or partly due to—

"(A) the fact that the wholesale quantities, in which such or similar merchandise is sold or, in the absence of sales, offered for sale, for exportation to, or in the principal markets of, the United States, as appropriate, in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale, in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold for home consumption, then for exportation to countries other than the United States);

"(B) other differences in circumstances of sale; or

"(C) the fact that merchandise described in paragraph (B) or (C) of section 771(16) is used in determining foreign market value,

then due allowance shall be made therefor.

"(b) SALES AT LESS THAN COST OF PRODUCTION.—Whenever the administering authority has reasonable grounds to believe or suspect that sales in the home market of the country of exportation, or, as appropriate, to countries other than the United States, have been made at prices which represent less than the cost of producing the merchandise in question, it shall determine whether, in fact, such sales were made at less than the cost of producing the merchandise. If the administering authority determines that sales made at less than cost of production—

"(1) have been made over an extended period of time and in substantial quantities, and

"(2) are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade,

such sales shall be disregarded in the determination of foreign market value. Whenever sales are disregarded by virtue of having been made at less than the cost of production and the remaining sales, made at not less than cost of production, are determined to be inadequate as a basis for the determination of foreign market value under subsection (a), the administering authority shall employ the constructed value of the merchandise to determine its foreign market value.

"(c) STATE-CONTROLLED ECONOMIES.—If available information indicates to the administering authority that the economy of the country from which the merchandise is exported is State-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a) of this section, the administering authority shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

"(1) the prices, determined in accordance with subsection (a) of this section, at which such or similar merchandise of a non-State-controlled-economy country or countries is sold either—

"(A) for consumption in the home market of that country or countries, or

"(B) to other countries, including the United States; or

"(2) the constructed value of such or similar merchandise in a non-State-controlled-economy country or countries as determined under subsection (e).

"(d) SPECIAL RULE FOR CERTAIN MULTINATIONAL CORPORATIONS.—Whenever, in the course of an investigation under this title, the administering authority determines that—

"(1) merchandise exported to the United States is being produced in facilities which are owned or controlled, directly or indirectly, by a person, firm or corporation which also owns or controls, directly or indirectly, other facilities for the production of such or similar merchandise which are located in another country or countries;

"(2) the sales of such or similar merchandise by the company concerned in the home market of the exporting country are nonexistent or inadequate as a basis for comparison with the sales of the merchandise to the United States; and

"(3) the foreign market value of such or similar merchandise produced in one or more of the facilities outside the country of exportation is higher than the foreign market value of such or similar merchandise produced in the facilities located in the country of exportation,

it shall determine the foreign market value of such merchandise by reference to the foreign market value at which such or similar merchandise is sold in substantial quantities by one or more facilities outside the country of exportation. The administering authority, in making any determination under this paragraph, shall make adjustments for the difference between the costs of production (including taxes, labor, materials, and overhead) of such or similar merchandise produced in facilities outside the country of exportation and costs of production of such or similar merchandise produced in the facilities in the country of exportation, if such differences are demonstrated to its satisfaction. For the purposes of this subsection, in determining foreign market value of such or similar merchandise produced in a country outside of the country of exportation, the administering authority shall determine its price at the time of exportation from the country of exportation and shall make any adjustments required by subsection (a) of this section for the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States by reference to such costs in the country of exportation.

"(e) Constructed Value.—

"(1) Determination.—For the purposes of this title, the constructed value of imported merchandise shall be the sum of—

"(A) the cost of materials (exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which such materials are used) and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the date of exportation of the merchandise under consideration which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

"(B) an amount for general expenses and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise under consideration which are made by producers in the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, except that—

"(i) the amount for general expenses shall not be less than 10 percent of the cost as defined in subparagraph (A), and

"(ii) the amount for profit shall not be less than 8 percent of the sum of such general expenses and cost; and

"(C) the cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise under consideration in condition, packed ready for shipment to the United States.

"(2) Transactions disregarded; best evidence.—For the purposes of this subsection, a transaction directly or indirectly between persons specified in any one of the subparagraphs in paragraph (3) of this subsection may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales in the market under consideration of merchandise under consideration. If a transaction is disregarded under the preceding sentence and there are no other transactions available for consideration, then the determination of the amount required to be considered shall be based on the best evidence available as to what the amount would have been if the transaction had occurred between persons not specified in any one of the subparagraphs in paragraph (3) of this section.

"(3) Related parties.—The persons referred to in paragraph (2) of this subsection are:

"(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(B) Any officer or director of an organization and such organization.

"(C) Partners.

"(D) Employer and employee.

"(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization and such organization.

"(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

"(f) AUTHORITY TO USE SAMPLING TECHNIQUES AND TO DISREGARD INSIGNIFICANT ADJUSTMENTS.—For the purpose of determining foreign market value under this section, the administering authority may—

"(1) use averaging or generally recognized sampling techniques whenever a significant volume of sales is involved or a significant number of adjustments to prices is required, and

"(2) decline to take into account adjustments which are insignificant in relation to the price or value of the merchandise.

19 USC 1677c.

"SEC. 774. HEARINGS.

"(a) INVESTIGATION HEARINGS.—The administering authority and the Commission shall each hold a hearing in the course of an investigation upon the request of any party to the investigation before making a final determination under section 705 or 735.

Publication in Federal Register.

"(b) PROCEDURES.—Any hearing required or permitted under this title shall be conducted after notice published in the Federal Register, and a transcript of the hearing shall be prepared and made available to the public. The hearing shall not be subject to the provisions of subchapter II of chapter 5 of title 5, United States Code, or to section 702 of such title.

5 USC 551, 702.

19 USC 1677d.

"SEC. 775. SUBSIDY PRACTICES DISCOVERED DURING AN INVESTIGATION.

"If, in the course of an investigation under this title, the administering authority discovers a practice which appears to be a subsidy, but was not included in the matters alleged in a countervailing duty petition, then the administering authority—

"(1) shall include the practice in the investigation if it appears to be a subsidy with respect to the merchandise which is the subject of the investigation, or

"(2) shall transfer the information concerning the practice (other than confidential information) to the library maintained under section 777(a)(1), if the practice appears to be a subsidy with respect to any other merchandise.

19 USC 1677e.

"SEC. 776. VERIFICATION OF INFORMATION.

"(a) GENERAL RULE.—Except with respect to information the verification of which is waived under section 733(b)(2), the administering authority shall verify all information relied upon in making a final determination in an investigation. In publishing such a determination, the administering authority shall report the methods and procedures used to verify such information. If the administering authority is unable to verify the accuracy of the information submitted, it shall use the best information available to it as the basis for its determination, which may include the information submitted in support of the petition.

"(b) DETERMINATIONS TO BE MADE ON BEST INFORMATION AVAILABLE.—In making their determinations under this title, the administering authority and the Commission shall, whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, use the best information otherwise available.

"SEC. 777. ACCESS TO INFORMATION.

19 USC 1677f.

"(a) INFORMATION GENERALLY MADE AVAILABLE.—

"(1) PUBLIC INFORMATION FUNCTION.—There shall be established a library of information relating to foreign subsidy practices and countervailing measures. Copies of material in the library shall be made available to the public upon payment of the costs of preparing such copies.

"(2) PROGRESS OF INVESTIGATION REPORTS.—The administering authority and the Commission shall, from time to time upon request, inform the parties to an investigation of the progress of that investigation.

"(3) EX PARTE MEETINGS.—The administering authority and the Commission shall maintain a record of ex parte meetings between—

"(A) interested parties or other persons providing factual information in connection with an investigation, and

"(B) the person charged with making the determination, and any person charged with making a final recommendation to that person, in connection with that investigation.

The record of the ex parte meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted. The record of the ex parte meeting shall be included in the record of the proceeding.

"(4) SUMMARIES; NONCONFIDENTIAL SUBMISSIONS.—The administering authority and the Commission may disclose—

"(A) any confidential information received in the course of a proceeding if it is disclosed in a form which cannot be associated with, or otherwise be used to identify, operations of a particular person, and

"(B) any information submitted in connection with a proceeding which is not designated as confidential by the person submitting it.

"(b) CONFIDENTIAL INFORMATION.—

"(1) CONFIDENTIALITY MAINTAINED.—Except as provided in subsection (a)(4)(A) and subsection (c), information submitted to the administering authority or the Commission which is designated as confidential by the person submitting it shall not be disclosed to any person (other than an officer or employee of the administering authority or the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted) without the consent of the person submitting it. The administering authority and the Commission may require that information for which confidential treatment is requested be accompanied by a non-confidential summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or a statement that the information is not susceptible to summary, accompanied by a statement of the reasons in support of the contention.

"(2) UNWARRANTED DESIGNATION.—If the administering authority or the Commission determines, on the basis of the nature and extent of the information or its availability from public sources, that designation of any information as confidential is unwarranted, then it shall notify the person who submitted it and ask for an explanation of the reasons for the designation. Unless that person persuades the administering authority or the Commission that the designation is warranted, or withdraws the designation, the administering authority or the Commission, as the case may be, shall return it to the party submitting it.

"(c) Limited Disclosure of Certain Confidential Information Under Protective Order.—

"(1) Disclosure by administering authority or commission.—

"(A) In general.—Upon receipt of an application, which describes with particularity the information requested and sets forth the reasons for the request, the administering authority and the Commission may make confidential information submitted by any other party to the investigation available under a protective order described in subparagraph (B).

"(B) Protective order.—The protective order under which information is made available shall contain such requirements as the administering authority or the Commission may determine by regulation to be appropriate. The administering authority and the Commission shall provide by regulation for such sanctions as the administering authority and the Commission determine to be appropriate, including disbarment from practice before the agency.

"(2) Disclosure under court order.—If the administering authority denies a request for information under paragraph (1), or the Commission denies a request for confidential information submitted by the petitioner or an interested party in support of the petitioner concerning the domestic price or cost of production of the like product, then application may be made to the United States Customs Court for an order directing the administering authority or the Commission to make the information available. After notification of all parties to the investigation and after an opportunity for a hearing on the record, the court may issue an order, under such conditions as the court deems appropriate, which shall not have the effect of stopping or suspending the investigation, directing the administering authority or the Commission to make all or a portion of the requested information described in the preceding sentence available under a protective order and setting forth sanctions for violation of such order if the court finds that, under the standards applicable in proceedings of the court, such an order is warranted, and that—

"(A) the administering authority or the Commission has denied access to the information under subsection (b)(1),

"(B) the person on whose behalf the information is requested is an interested party who is a party to the investigation in connection with which the information was obtained or developed, and

"(C) the party which submitted the information to which the request relates has been notified, in advance of the hearing, of the request made under this section and of its right to appear and be heard.

19 USC 1677g.

"SEC. 778. INTEREST ON CERTAIN OVERPAYMENTS AND UNDERPAYMENTS.

"(a) General Rule.—Interest shall be payable on overpayments and underpayments of amounts deposited on merchandise entered, or withdrawn from warehouse, for consumption on and after the date on which notice of an affirmative determination by the Commission under section 705(b) or 735(b) with respect to such merchandise is published.

"(b) **Rate.**—The rate at which such interest is payable shall be 8 percent per annum, or, if higher, the rate in effect under section 6621 of the Internal Revenue Code of 1954 on the date on which the rate or amount of the duty is finally determined.".

SEC. 102. PENDING INVESTIGATIONS.

19 USC 1671 note.

(a) **Pending Investigations of Bounties or Grants.**—If, on the effective date of the application of title VII of the Tariff Act of 1930 to imports from a country, there is an investigation in progress under section 303 of that Act as to whether a bounty or grant is being paid or bestowed on imports from such country, then:

Ante, p. 150.

(1) If the Secretary of the Treasury has not yet made a preliminary determination under section 303 of that Act as to whether a bounty or grant is being paid or bestowed, he shall terminate the investigation under section 303 and the matter previously under investigation shall be subject to this title as if the affirmative determination called for in section 702 of that Act were made with respect to that matter on the effective date of the application of title VII of that Act to such country.

19 USC 1303.

Ante, p. 151.

(2) If the Secretary has made a preliminary determination under such section 303, but not a final determination, as to whether a bounty or grant is being paid or bestowed, he shall terminate the investigation under such section 303 and the matter previously under investigation shall be subject to the provisions of title VII of that Act as if the preliminary determination under section 303 were a preliminary determination under section 703 of that title made on the effective date of the application of that title to such country.

(b) **Pending Investigations of Less-Than-Fair-Value Sales.**—If, on the effective date of title VII of the Tariff Act of 1930, there is an investigation in progress under the Antidumping Act, 1921, as to whether imports from a country are being, or are likely to be, sold in the United States or elsewhere at less than fair value, then:

19 USC 160 note.

(1) If the Secretary has not yet made a preliminary determination under the Antidumping Act, 1921, as to the question of less-than-fair-value sales, he shall terminate the investigation and the United States International Trade Commission shall terminate any investigation under section 201(c)(2) of the Antidumping Act, 1921, and the matter previously under investigation shall be subject to the provisions of title VII of the Tariff Act of 1930 as if the affirmative determination called for in section 732 were made with respect to such matter on the effective date of title VII of the Tariff Act of 1930.

19 USC 160.

(2) If the Secretary has made under the Antidumping Act, 1921, a preliminary determination, but not a final determination, that imports from such country are being or are likely to be sold in the United States or elsewhere at less than fair value, the investigation shall be terminated and the matter previously under investigation shall be subject to the provisions of title VII of the Tariff Act of 1930 as if the preliminary determination under the Antidumping Act, 1921, were a preliminary determination under section 733 of that title made on the effective date of title VII of the Tariff Act of 1930.

(c) **Pending Investigations of Injury.**—If, on the effective date of the application of title VII of the Tariff Act of 1930 to imports from a country, the United States International Trade Commission is conducting an investigation under section 303 of the Tariff Act of 1930 or section 201(a) of the Antidumping Act, 1921, as to whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, it shall terminate any such investigation and initiate an investigation, under subtitle A or B of title VII of the Tariff Act of 1930, which shall be completed within 75 days, and—

Ante, p. 150.

(1) treat any final determination of the Secretary of the Treasury under section 303 as a final determination under section 705(a) of the Tariff Act of 1930 and consider the net amount of the bounty or grant estimated or determined under section 303 as the net subsidy amount under subtitle A of that title; and

Infra.
Ante, p. 159.

(2) treat any final determination of the Secretary of the Treasury under the Antidumping Act, 1921, as a final determination under section 735(a) of the Tariff Act of 1930.

Ante, p. 169.

SEC. 103. AMENDMENT OF SECTION 303 OF THE TARIFF ACT OF 1930.

(a) Application of Section 303.—Paragraph (1) of section 303(a) of the Tariff Act of 1930 (19 U.S.C. 1303(a)) is amended by striking out "Whenever" and inserting in lieu thereof the following: "Except in the case of an article or merchandise which is the product of a country under the Agreement (within the meaning of section 701(b) of this Act), whenever".

(b) Certain Provisions of New Law to Apply.—Section 303 of such Act (19 U.S.C. 1303) is amended—

(1) by striking out paragraphs (3) through (6) of subsection (a),

(2) by striking out subsections (b) and (c) and inserting in lieu thereof the following new subsection:

"(b) The duty imposed under subsection (a) shall be imposed, under regulations prescribed by the administering authority (as defined in section 771(1)), in accordance with title VII of this Act (relating to the imposition of countervailing duties) except that, in the case of any imported article or merchandise which is not free of duty—

"(1) no determination by the United States International Trade Commission under section 703(a), 704, or 705(b) shall be required,

Ante, pp. 152, 154, 159.

"(2) an investigation may not be suspended under section 704(c),

"(3) no determination as to the presence of critical circumstances shall be made under section 703(e) or 705 (a)(2) or (b)(4)(A), and

"(4) any reference to determinations by the Commission, or to the suspension of an investigation under section 704(c) which are not permitted or required by this subsection shall be disregarded.", and

(3) by adding at the end thereof the following new subsection:

"(f) Cross Reference.—

"For provisions of law applicable in the case of articles and merchandise which are the product of countries under the Agreement within the meaning of section 701(b) of this Act, see title VII of this Act.".

(c) Conforming Amendment.—Paragraph 2 of section 303(a) of such Act (19 U.S.C. 1303(a)) is amended—

(1) by striking out "is an affirmative determination" and inserting in lieu thereof "are affirmative determinations", and

(2) by striking out "subsection (b)(1)" and inserting in lieu thereof "title VII".

SEC. 104. TRANSITION RULES FOR COUNTERVAILING DUTY ORDERS.

19 USC 1671 note.

(a) Waived Countervailing Duty Orders.—

(1) NOTIFICATION OF COMMISSION.—The administering authority shall notify the United States International Trade Commission by January 7, 1980, of any countervailing duty order in effect on January 1, 1980—

(A)(i) for which the Secretary of the Treasury has waived the imposition of countervailing duties under section 303(d) of the Tariff Act of 1930 (19 U.S.C. 1303(d)), and

(ii) which applies to merchandise other than quota cheese (as defined in section 701(c)(1) of this Act), which is a product of a country under the Agreement, *Post*, p. 268.

(B) published on or after the date of the enactment of this Act, and before January 1, 1980, with respect to products of a country under the Agreement (as defined in section 701(b) of the Tariff Act of 1930), or *Ante*, p. 151.

(C) applicable to frozen, boneless beef from the European Communities under Treasury Decision 76-109,

and shall furnish to the Commission the most current information it has with respect to the net subsidy benefitting the merchandise subject to the countervailing duty order.

(2) DETERMINATION BY THE COMMISSION.—Within 180 days after the date on which it receives the information from the administering authority under paragraph (1), the Commission shall make a determination of whether—

(A) an industry in the United States—

(i) is materially injured, or

(ii) is threatened with material injury, or

(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise subject to the order.

(3) EFFECT OF DETERMINATION.—

(A) AFFIRMATIVE DETERMINATION.—Upon being notified by the Commission of an affirmative determination under paragraph (2), the administering authority shall terminate the waiver of imposition of countervailing duties for merchandise subject to the order, if any. The countervailing duty order under section 303 of the Tariff Act of 1930 which applies to that merchandise shall remain in effect until revoked, in whole or in part, under section 751(d) of such Act.

(B) NEGATIVE DETERMINATION.—Upon being notified by the Commission of a negative determination under paragraph (2), the administering authority shall revoke the countervailing duty order, and publish notice in the Federal Register of the revocation.

(b) OTHER COUNTERVAILING DUTY ORDERS.—

(1) REVIEW BY COMMISSION UPON REQUEST.—In the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303)—

(A) which is not a countervailing duty order to which subsection (a) applies,

(B) which applies to merchandise which is the product of a country under the Agreement, and

(C) which is in effect on January 1, 1980, or which is issued pursuant to court order in an action brought under section 516(d) of that Act before that date, 19 USC 1516.

the Commission, upon the request of the government of such a country or of exporters accounting for a significant proportion of exports to the United States of merchandise which is covered by the order, submitted within 3 years after the effective date of

Ante, p. 150.

title VII of the Tariff Act of 1930 shall make a determination under paragraph (2) of this subsection.

(2) Determination by the commission.—In a case described in paragraph (1) with respect to which it has received a request for review, the Commission shall commence an investigation to determine whether—

(A) an industry in the United States—

(i) would be materially injured, or

(ii) would be threatened with material injury, or

(B) the establishment of an industry in the United States would be materially retarded,

by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked.

(3) Suspension of liquidation; investigation time limits.—

Notification.

Whenever the Commission receives a request under paragraph (1), it shall promptly notify the administering authority and the administering authority shall suspend liquidation of entries of the affected merchandise made on or after the date of receipt of the Commission's notification, or in the case of butter from Australia, entries of merchandise subject to the assessment of countervailing duties under Treasury Decision 42937, as amended, and collect estimated countervailing duties pending the determination of the Commission. The Commission shall issue its determination in any investigation under this subsection not later than 3 years after the date of commencement of such investigation.

(4) Effect of determination.—

(A) Affirmative determination.—Upon being notified of an affirmative determination under paragraph (2) by the Commission, the administering authority shall liquidate entries of merchandise the liquidation of which was suspended under paragraph (3) of this subsection and impose countervailing duties in the amount of the estimated duties required to be deposited. The countervailing duty order shall remain in effect until revoked, in whole or in part, under section 751(c) of the Tariff Act of 1930.

Publication in Federal Register.

(B) Negative determination.—Upon being notified of a negative determination under paragraph (2) by the Commission, the administering authority shall revoke the countervailing duty order then in effect, publish notice thereof in the Federal Register, and refund, without payment of interest, any estimated countervailing duties collected during the period of suspension of liquidation.

(c) All Outstanding Countervailing Duty Orders.—Subject to the provisions of subsections (a) and (b), any countervailing duty order issued under section 303 of the Tariff Act of 1930 which is—

Ante, p. 190.

(1) in effect on the effective date of title VII of the Tariff Act of 1930 (as added by section 101 of this Act), or

(2) issued pursuant to court order in a proceeding brought before that date under section 516(d) of the Tariff Act of 1930,

shall remain in effect after that date and shall be subject to review under section 751 of the Tariff Act of 1930.

Publication in Federal Register.

(d) Publication of Notice of Determinations.—Whenever the Commission makes a determination under subsection (a) or (b), it shall publish notice of that determination in the Federal Register and notify the administering authority of its determination.

(e) Definitions.—Whenever any term which is defined in section 771 of the Tariff Act of 1930 is used in this section, it has the same meaning as when it is used in title VII of that Act.

Ante, p. 150.

SEC. 105. CONTINUATION OF CERTAIN WAIVERS.

(a) Waivers.—Subparagraph (B) of section 303(d)(4) of the Tariff Act of 1930 (19 U.S.C. 1303(d)(4)) is amended to read as follows:

"(B) Any determination made by the Secretary under this subsection with respect to merchandise of a country which, if title VII of the Tariff Act of 1930 were in effect, would, as determined by the President, be a country under the Agreement (within the meaning of section 701(b) of such Act), which is in effect on September 29, 1979, or on the day before the date of the enactment of the Trade Agreements Act of 1979 (whichever of such dates first occurs), shall remain in effect until whichever of the following dates first occurs:

Ante, p. 151.

"(i) The date on which the United States International Trade Commission makes a determination under section 104 of the Trade Agreements Act of 1979.

"(ii) The date such determination is revoked under paragraph (3).

"(iii) The date of adoption of a resolution of disapproval of such determination under subsection (e)(2)."

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

19 USC 1303 note.

SEC. 106. CONFORMING CHANGES.

(a) Repeal of Old Law.—The Antidumping Act, 1921 (19 U.S.C. 160 et seq.) is hereby repealed but findings in effect on the effective date of this Act, or issued pursuant to court order in an action brought before that date, shall remain in effect, subject to review under section 751 of the Tariff Act of 1930.

(b) Conforming Amendments.—

(1) Section 337(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(3)) is amended by striking out "the Antidumping Act, 1921" and inserting in lieu thereof "subtitle B of title VII of the Tariff Act of 1930".

(2) Section 503 of the Automotive Products Trade Act of 1965 (19 U.S.C. 2033) is amended by striking out "the Anti-Dumping Act, 1921 (19 U.S.C. 160-173)" and inserting in lieu thereof "subtitle B of title VII of the Tariff Act of 1930,".

(3) Section 201(b)(6) of the Trade Act of 1974 (19 U.S.C. 2251(b)(6)) is amended by striking out "the Antidumping Act, 1921, section 303 or 337" and inserting in lieu thereof "subtitles A and B of title VII or section 337".

SEC. 107. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by it shall take effect on January 1, 1980, if—

19 USC 1671 note.

(1) the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures), and

(2) the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (relating to antidumping measures),

approved by the Congress under section 2(a) of this Act have entered into force with respect to the United States as of that date.

TITLE II—CUSTOMS VALUATION

Subtitle A—Valuation Standards Amendments

SEC. 201. VALUATION OF IMPORTED MERCHANDISE.

(a) VALUATION STANDARDS.—Section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) is amended to read as follows:

"SEC. 402. VALUE.

"(a) IN GENERAL.—(1) Except as otherwise specifically provided for in this Act, imported merchandise shall be appraised, for the purposes of this Act, on the basis of the following:

"(A) The transaction value provided for under subsection (b).

"(B) The transaction value of identical merchandise provided for under subsection (c), if the value referred to in subparagraph (A) cannot be determined, or can be determined but cannot be used by reason of subsection (b)(2).

"(C) The transaction value of similar merchandise provided for under subsection (c), if the value referred to in subparagraph (B) cannot be determined.

"(D) The deductive value provided for under subsection (d), if the value referred to in subparagraph (C) cannot be determined and if the importer does not request alternative valuation under paragraph (2).

"(E) The computed value provided for under subsection (e), if the value referred to in subparagraph (D) cannot be determined.

"(F) The value provided for under subsection (f), if the value referred to in subparagraph (E) cannot be determined.

"(2) If the value referred to in paragraph (1)(C) cannot be determined with respect to imported merchandise, the merchandise shall be appraised on the basis of the computed value provided for under paragraph (1)(E), rather than the deductive value provided for under paragraph (1)(D), if the importer makes a request to that effect to the customs officer concerned within such time as the Secretary shall prescribe. If the computed value of the merchandise cannot subsequently be determined, the merchandise may not be appraised on the basis of the value referred to in paragraph (1)(F) unless the deductive value of the merchandise cannot be determined under paragraph (1)(D).

"(3) Upon written request therefor by the importer of merchandise, and subject to provisions of law regarding the disclosure of information, the customs officer concerned shall provide the importer with a written explanation of how the value of that merchandise was determined under this section.

"(b) TRANSACTION VALUE OF IMPORTED MERCHANDISE.—(1) The transaction value of imported merchandise is the price actually paid or payable for the merchandise when sold for exportation to the United States, plus amounts equal to—

"(A) the packing costs incurred by the buyer with respect to the imported merchandise;

"(B) any selling commission incurred by the buyer with respect to the imported merchandise;

"(C) the value, apportioned as appropriate, of any assist;

"(D) any royalty or license fee related to the imported merchandise that the buyer is required to pay, directly or indirectly, as a condition of the sale of the imported merchandise for exportation to the United States; and

"(E) the proceeds of any subsequent resale, disposal, or use of the imported merchandise that accrue, directly or indirectly, to the seller.

The price actually paid or payable for imported merchandise shall be increased by the amounts attributable to the items (and no others) described in subparagraphs (A) through (E) only to the extent that each such amount (i) is not otherwise included within the price actually paid or payable; and (ii) is based on sufficient information. If sufficient information is not available, for any reason, with respect to any amount referred to in the preceding sentence, the transaction value of the imported merchandise concerned shall be treated, for purposes of this section, as one that cannot be determined.

"(2)(A) The transaction value of imported merchandise determined under paragraph (1) shall be the appraised value of that merchandise for the purposes of this Act only if—

"(i) there are no restrictions on the disposition or use of the imported merchandise by the buyer other than restrictions that—

"(I) are imposed or required by law,

"(II) limit the geographical area in which the merchandise may be resold, or

"(III) do not substantially affect the value of the merchandise;

"(ii) the sale of, or the price actually paid or payable for, the imported merchandise is not subject to any condition or consideration for which a value cannot be determined with respect to the imported merchandise;

"(iii) no part of the proceeds of any subsequent resale, disposal, or use of the imported merchandise by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment therefor can be made under paragraph (1)(E); and

"(iv) the buyer and seller are not related, or the buyer and seller are related but the transaction value is acceptable, for purposes of this subsection, under subparagraph (B).

"(B) The transaction value between a related buyer and seller is acceptable for the purposes of this subsection if an examination of the circumstances of the sale of the imported merchandise indicates that the relationship between such buyer and seller did not influence the price actually paid or payable; or if the transaction value of the imported merchandise closely approximates—

"(i) the transaction value of identical merchandise, or of similar merchandise, in sales to unrelated buyers in the United States;

"(ii) the deductive value or computed value for identical merchandise or similar merchandise; or

"(iii) the transaction value determined under this subsection in sales to unrelated buyers of merchandise, for exportation to the United States, that is identical in all respects to the imported merchandise but was not produced in the country in which the imported merchandise was produced;

but only if each value referred to in clause (i), (ii) or (iii) that is used for comparison relates to merchandise that was exported to the United States at or about the same time as the imported merchandise. No two sales to unrelated buyers may be used for comparison for purposes of clause (iii) unless the sellers are unrelated.

"(C) In applying the values used for comparison purposes under subparagraph (B), there shall be taken into account differences with respect to the sales involved (if such differences are based on sufficient information whether supplied by the buyer or otherwise available to the customs officer concerned) in—

"(i) commercial levels;

"(ii) quantity levels;

"(iii) the costs, commissions, values, fees, and proceeds described in paragraph (1); and

"(iv) the costs incurred by the seller in sales in which he and the buyer are not related that are not incurred by the seller in sales in which he and the buyer are related.

"(3) The transaction value of imported merchandise does not include any of the following, if identified separately from the price actually paid or payable and from any cost or other item referred to in paragraph (1):

"(A) Any reasonable cost or charge that is incurred for—

"(i) the construction, erection, assembly, or maintenance of, or the technical assistance provided with respect to, the merchandise after its importation into the United States; or

"(ii) the transportation of the merchandise after such importation.

"(B) The customs duties and other Federal taxes currently payable on the imported merchandise by reason of its importation, and any Federal excise tax on, or measured by the value of, such merchandise for which vendors in the United States are ordinarily liable.

"(4) For purposes of this subsection—

"Price actually paid or payable."

"(A) The term 'price actually paid or payable' means the total payment (whether direct or indirect, and exclusive of any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation in the United States) made, or to be made, for imported merchandise by the buyer to, or for the benefit of, the seller.

"(B) Any rebate of, or other decrease in, the price actually paid or payable that is made or otherwise effected between the buyer and seller after the date of the importation of the merchandise into the United States shall be disregarded in determining the transaction value under paragraph (1).

"(c) TRANSACTION VALUE OF IDENTICAL MERCHANDISE AND SIMILAR MERCHANDISE.—(1) The transaction value of identical merchandise, or of similar merchandise, is the transaction value (acceptable as the appraised value for purposes of this Act under subsection (b) but adjusted under paragraph (2) of this subsection) of imported merchandise that is—

"(A) with respect to the merchandise being appraised, either identical merchandise or similar merchandise, as the case may be; and

"(B) exported to the United States at or about the time that the merchandise being appraised is exported to the United States.

"(2) Transaction values determined under this subsection shall be based on sales of identical merchandise or similar merchandise, as the case may be, at the same commercial level and in substantially the same quantity as the sales of the merchandise being appraised. If no such sale is found, sales of identical merchandise or similar merchandise at either a different commercial level or in different quantities, or both, shall be used, but adjusted to take account of any such difference. Any adjustment made under this paragraph shall be based on sufficient information. If in applying this paragraph with respect to any imported merchandise, two or more transaction values for identical merchandise, or for similar merchandise, are determined, such imported merchandise shall be appraised on the basis of the lower or lowest of such values.

"(d) DEDUCTIVE VALUE.—(1) For purposes of this subsection, the term 'merchandise concerned' means the merchandise being appraised, identical merchandise, or similar merchandise.

"Merchandise concerned."

"(2)(A) The deductive value of the merchandise being appraised is whichever of the following prices (as adjusted under paragraph (3)) is appropriate depending upon when and in what condition the merchandise concerned is sold in the United States:

"(i) If the merchandise concerned is sold in the condition as imported at or about the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise concerned is sold in the greatest aggregate quantity at or about such date.

"(ii) If the merchandise concerned is sold in the condition as imported but not sold at or about the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise concerned is sold in the greatest aggregate quantity after the date of importation of the merchandise being appraised but before the close of the 90th day after the date of such importation.

"(iii) If the merchandise concerned was not sold in the condition as imported and not sold before the close of the 90th day after the date of importation of the merchandise being appraised, the price is the unit price at which the merchandise being appraised, after further processing, is sold in the greatest aggregate quantity before the 180th day after the date of such importation. This clause shall apply to appraisement of merchandise only if the importer so elects and notifies the customs officer concerned of that election within such time as shall be prescribed by the Secretary.

"(B) For purposes of subparagraph (A), the unit price at which merchandise is sold in the greatest aggregate quantity is the unit price at which such merchandise is sold to unrelated persons, at the first commercial level after importation (in cases to which subparagraph (A) (i) or (ii) applies) or after further processing (in cases to which subparagraph (A)(iii) applies) at which such sales take place, in a total volume that is (i) greater than the total volume sold at any other unit price, and (ii) sufficient to establish the unit price.

Unit price.

"(3)(A) The price determined under paragraph (2) shall be reduced by an amount equal to—

"(i) any commission usually paid or agreed to be paid, or the addition usually made for profit and general expenses, in connection with sales in the United States of imported merchandise that is of the same class or kind, regardless of the country of exportation, as the merchandise concerned;

"(ii) the actual costs and associated costs of transportation and insurance incurred with respect to international shipments of the merchandise concerned from the country of exportation to the United States;

"(iii) the usual costs and associated costs of transportation and insurance incurred with respect to shipments of such merchandise from the place of importation to the place of delivery in the United States, if such costs are not included as a general expense under clause (i);

"(iv) the customs duties and other Federal taxes currently payable on the merchandise concerned by reason of its importation, and any Federal excise tax on, or measured by the value of, such merchandise for which vendors in the United States are ordinarily liable; and

"(v) (but only in the case of a price determined under paragraph (2)(A)(iii)) the value added by the processing of the merchandise after importation to the extent that the value is based on sufficient information relating to cost of such processing.

"(B) For purposes of applying paragraph (A)—

"(i) the deduction made for profits and general expenses shall be based upon the importer's profits and general expenses, unless such profits and general expenses are inconsistent with those reflected in sales in the United States of imported merchandise of the same class or kind, in which case the deduction shall be based on the usual profit and general expenses reflected in such sales, as determined from sufficient information; and

"(ii) any State or local tax imposed on the importer with respect to the sale of imported merchandise shall be treated as a general expense.

"(C) The price determined under paragraph (2) shall be increased (but only to the extent that such costs are not otherwise included) by an amount equal to the packing costs incurred by the importer or the buyer, as the case may be, with respect to the merchandise concerned.

"(D) For purposes of determining the deductive value of imported merchandise, any sale to a person who supplies any assist for use in connection with the production or sale for export of the merchandise concerned shall be disregarded.

"(e) COMPUTED VALUE.—(1) The computed value of imported merchandise is the sum of—

"(A) the cost or value of the materials and the fabrication and other processing of any kind employed in the production of the imported merchandise;

"(B) an amount for profit and general expenses equal to that usually reflected in sales of merchandise of the same class or kind as the imported merchandise that are made by the producers in the country of exportation for export to the United States;

"(C) any assist, if its value is not included under subparagraph (A) or (B); and

"(D) the packing costs.

"(2) For purposes of paragraph (1)—

"(A) the cost or value of materials under paragraph (1)(A) shall not include the amount of any internal tax imposed by the country of exportation that is directly applicable to the materials or their disposition if the tax is remitted or refunded upon the exportation of the merchandise in the production of which the materials were used; and

"(B) the amount for profit and general expenses under paragraph (1)(B) shall be based upon the producer's profits and expenses, unless the producer's profits and expenses are inconsistent with those usually reflected in sales of merchandise of the same class or kind as the imported merchandise that are made by producers in the country of exportation for export to the United States, in which case the amount under paragraph (1)(B) shall be based on the usual profit and general expenses of such producers in such sales, as determined from sufficient information.

"(f) VALUE IF OTHER VALUES CANNOT BE DETERMINED OR USED.—(1) If the value of imported merchandise cannot be determined, or otherwise used for the purposes of this Act, under subsections (b) through (e), the merchandise shall be appraised for the purposes of this Act on the basis of a value that is derived from the methods set forth in such subsections, with such methods being reasonably adjusted to the extent necessary to arrive at a value.

"(2) Imported merchandise may not be appraised, for the purposes of this Act, on the basis of—

Imported merchandise, appraisal.

"(A) the selling price in the United States of merchandise produced in the United States;

"(B) a system that provides for the appraisement of imported merchandise at the higher of two alternative values;

"(C) the price of merchandise in the domestic market of the country of exportation;

"(D) a cost of production, other than a value determined under subsection (e) for merchandise that is identical merchandise or similar merchandise to the merchandise being appraised;

"(E) the price of merchandise for export to a country other than the United States;

"(F) minimum values for appraisement; or

"(G) arbitrary or fictitious values.

This paragraph shall not apply with respect to the ascertainment, determination, or estimation of foreign market value or United States price under title VII.

Ante, p. 150.

"(g) SPECIAL RULES.—(1) For purposes of this section, the persons specified in any of the following subparagraphs shall be treated as persons who are related:

"(A) Members of the same family, including brothers and sisters (whether by whole or half blood), spouse, ancestors, and lineal descendants.

"(B) Any officer or director of an organization and such organization.

"(C) An officer or director of an organization and an officer or director of another organization, if each such individual is also an officer or director in the other organization.

"(D) Partners.

"(E) Employer and employee.

"(F) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization and such organization.

"(G) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

"(2) For purposes of this section, merchandise (including, but not limited to, identical merchandise and similar merchandise) shall be treated as being of the same class or kind as other merchandise if it is within a group or range of merchandise produced by a particular industry or industry sector.

"(3) For purposes of this section, information that is submitted by an importer, buyer, or producer in regard to the appraisement of merchandise may not be rejected by the customs officer concerned on the basis of the accounting method by which that information was prepared, if the preparation was in accordance with generally accepted accounting principles. The term 'generally accepted accounting principles' refers to any generally recognized consensus or substantial authoritative support regarding—

Generally accepted accounting principles.

"(A) which economic resources and obligations should be recorded as assets and liabilities;

"(B) which changes in assets and liabilities should be recorded;

"(C) how the assets and liabilities and changes in them should be measured;

"(D) what information should be disclosed and how it should be disclosed; and

"(E) which financial statements should be prepared.

The applicability of a particular set of generally accepted accounting principles will depend upon the basis on which the value of the merchandise is sought to be established.

"(h) DEFINITIONS.—As used in this section—

"(1)(A) The term 'assist' means any of the following if supplied directly or indirectly, and free of charge or at reduced cost, by the buyer of imported merchandise for use in connection with the production or the sale for export to the United States of the merchandise:

"(i) Materials, components, parts, and similar items incorporated in the imported merchandise.

"(ii) Tools, dies, molds, and similar items used in the production of the imported merchandise.

"(iii) Merchandise consumed in the production of the imported merchandise.

"(iv) Engineering, development, artwork, design work, and plans and sketches that are undertaken elsewhere than in the United States and are necessary for the production of the imported merchandise.

"(B) No service or work to which subparagraph (A)(iv) applies shall be treated as an assist for purposes of this section if such service or work—

"(i) is performed by an individual who is domiciled within the United States;

"(ii) is performed by that individual while he is acting as an employee or agent of the buyer of the imported merchandise; and

"(iii) is incidental to other engineering, development, artwork, design work, or plans or sketches that are undertaken within the United States.

"(C) For purposes of this section, the following apply in determining the value of assists described in subparagraph (A)(iv):

"(i) The value of an assist that is available in the public domain is the cost of obtaining copies of the assist.

"(ii) If the production of an assist occurred in the United States and one or more foreign countries, the value of the assist is the value thereof that is added outside the United States.

"(2) The term 'identical merchandise' means—

"(A) merchandise that is identical in all respects to, and was produced in the same country and by the same person as, the merchandise being appraised; or

"(B) if merchandise meeting the requirements under subparagraph (A) cannot be found (or for purposes of applying subsection (b)(2)(B) (i), regardless of whether merchandise meeting such requirements can be found), merchandise that is identical in all respects to, and was produced in the same country as, but not produced by the same person as, the merchandise being appraised.

Such term does not include merchandise that incorporates or reflects any engineering, development, artwork, design work, or plan or sketch that—

"(I) was supplied free or at reduced cost by the buyer of the merchandise for use in connection with the production or the sale for export to the United States of the merchandise; and

"(II) is not an assist because undertaken within the United States.

"(3) The term 'packing costs' means the cost of all containers and coverings of whatever nature and of packing, whether for labor or materials, used in placing merchandise in condition, packed ready for shipment to the United States.

"(4) The term 'similar merchandise' means—

"(A) merchandise that—

"(i) was produced in the same country and by the same person as the merchandise being appraised,

"(ii) is like the merchandise being appraised in characteristics and component material, and

"(iii) is commercially interchangeable with the merchandise being appraised; or

"(B) if merchandise meeting the requirements under subparagraph (A) cannot be found (or for purposes of applying subsection (b)(2)(B)(i), regardless of whether merchandise meeting such requirements can be found), merchandise that—

"(i) was produced in the same country as, but not produced by the same person as, the merchandise being appraised, and

"(ii) meets the requirement set forth in subparagraph (A)(ii) and (iii).

Such term does not include merchandise that incorporates or reflects any engineering, development, artwork, design work, or plan or sketch that—

"(I) was supplied free or at reduced cost by the buyer of the merchandise for use in connection with the production or the sale for export to the United States of the merchandise; and

"(II) is not an assist because undertaken within the United States.

"(5) The term 'sufficient information', when required under this section for determining—

"(A) any amount—

"(i) added under subsection (b)(1) to the price actually paid or payable,

"(ii) deducted under subsection (d)(3) as profit or general expense or value from further processing, or

"(iii) added under subsection (e)(2) as profit or general expense;

"(B) any difference taken into account for purposes of subsection (b)(2)(C); or

"(C) any adjustment made under subsection (c)(2);

means information that establishes the accuracy of such amount, difference, or adjustment.".

(b) REPEAL OF EXISTING ALTERNATIVE VALUATION STANDARDS.—Section 402a of the Tariff Act of 1930 (19 U.S.C. 1402) is repealed.

SEC. 202. CONFORMING AMENDMENTS.

(a) TARIFF ACT OF 1930.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended as follows:

(1) Paragraph (2) of section 332(e) is amended to read as follows: 19 USC 1332.

Ante, p. 194.

"(2) The term 'import cost' means the transaction value of the imported merchandise determined in accordance with section 402(b) plus, when not included in the transaction value, all necessary expenses, exclusive of customs duties, of bringing such merchandise to the United States.".

19 USC 1336.

(2) Section 336 is amended—

(A) by striking out subsection (b);

(B) by striking out "and in basis of value" in subsection (c);

(C) by striking out "or in basis of value" in each of subsections (d), (f), and (k); and

(D) by striking out subsection (j).

19 USC 1351.

(3) Paragraph (2)(D)(ii) of section 350(a) is amended by striking out "or 402a".

19 USC 1500.

(4) Paragraph (a) of section 500 is amended to read as follows:

"(a) appraise merchandise by ascertaining or estimating the value thereof, under section 402, by all reasonable ways and means in his power, any statement of cost or costs of production in any invoice, affidavit, declaration, other document to the contrary notwithstanding;".

(b) TARIFF SCHEDULES OF THE UNITED STATES.—The Tariff Schedules of the United States (19 U.S.C. 1202) are further amended as follows:

(1) General headnote 6(b)(i) is amended by striking out "or section 402a".

(2) Each of the following headnotes is amended by striking out "or 402a" wherever it appears therein:

(A) Headnote 4 to subpart E of part 3 of schedule 6.

(B) Headnote 1 to subpart B of part 11 of schedule 7.

(C) Headnote 2 to part 1 of schedule 8.

(D) Headnotes 2(a), 2(c), and 3(a) to subpart B of part 1 of schedule 8.

(c) OTHER LAWS.—

(1) TRADE ACT OF 1974.—Section 601(4) of the Trade Act of 1974 (19 U.S.C. 2481(4)) is amended by striking out "(19 U.S.C. sec. 1401a or 1402)" and inserting in lieu thereof "(as in effect before the effective date of the amendments made by title II of the Trade Agreements Act of 1979) or in section 402 of such Act of 1930 (as in effect on the effective date of such title II amendments) whichever is".

26 USC 993.

(2) INTERNAL REVENUE CODE OF 1954.—Paragraph (1) of section 993(c) of the Internal Revenue Code of 1954 is amended by striking out "402a of the Tariff Act of 1930 (19 U.S.C. sec. 1401a or 1402)" and inserting in lieu thereof "of the Tariff Act of 1930 (19 U.S.C. 1401a)".

SEC. 203. PRESIDENTIAL REPORT ON OPERATION OF THE AGREEMENT.

19 USC 1401a note.

Ante, p. 147.

As soon as practicable after the close of the 2-year period beginning on the date on which the amendments made by this title (other than section 223(b), relating to certain rubber footwear) take effect, the President shall prepare and submit to Congress a report containing an evaluation of the operation of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade approved under section 2(a) (hereinafter in this subtitle referred to as the "Agreement"), both domestically and internationally, during that period.

SEC. 204. TRANSITION TO VALUATION STANDARDS UNDER THIS TITLE.

19 USC 1401a note.

(a) EFFECTIVE DATE OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this title (except the amendments made by section 223(b)) shall take effect on—

(A) January 1, 1981, if the Agreement enters into force with respect to the United States by that date; or

(B) if subparagraph (A) does not apply, that date after January 1, 1981, on which the Agreement enters into such force;

and shall apply with respect to merchandise that is exported to the United States on or after whichever of such dates applies.

(2) EARLIER EFFECTIVE DATE UNDER CERTAIN CIRCUMSTANCES.—If the President determines before January 1, 1981, that—

(A) the European Economic Community has accepted the obligations of the Agreement with respect to the United States; and

(B) each of the member states of the European Economic Community has implemented the Agreement under its laws;

the President shall by proclamation announce such determination and the amendments made by this title (except the amendments made by section 223(b)) shall take effect on the date specified in the proclamation (but not before July 1, 1980) and shall apply with respect to merchandise that is exported to the United States on or after such date; except that unless the Agreement enters into force with respect to the United States by January 1, 1981, all provisions of law that were amended by such amendments are revived (as in effect on the day before such amendments took effect) on January 1, 1981, and such provisions—

(i) shall remain in effect until the date on which the Agreement enters into force with respect to the United States (and on such date the amendments made by this title (except the amendments made by section 223(b)) are revived and shall apply with respect to merchandise exported to the United States on or after such date); and

(ii) shall apply with respect to merchandise exported to the United States on or after January 1, 1981, and before the date on which the Agreement enters into such force.

(b) APPLICATION OF OLD LAW VALUATION STANDARDS.—For purposes of the administration of the customs laws, all merchandise (other than merchandise to which subsections (a) and (c) apply) shall be appraised on the same basis, and in the same manner, as if the amendments made by this title had not been enacted.

(c) SPECIAL TREATMENT FOR CERTAIN RUBBER FOOTWEAR.—The amendments made by section 223(b) shall take effect July 1, 1981, or, if later, the date on which the Agreement enters into force with respect to the United States, and shall apply, together with the other amendments made by this title, to rubber footwear exported to the United States on or after such date. For purposes of the administration of the customs laws, all rubber footwear (other than rubber footwear to which the preceding sentence applies) shall be appraised on the same basis, and in the same manner, as if the amendments made by this title had not been enacted.

(d) DEFINITION.—For purposes of this section, the term "rubber footwear" means articles described in item 700.60 of the Tariff Schedules of the United States (as in effect on the day before the day on which the amendments made by section 223(b) take effect). 19 USC 1202.

Subtitle B—Final List and American Selling Price Rate Conversions

SEC. 221. AMENDMENT OF TARIFF SCHEDULES.

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a schedule or other provision, the reference shall be considered to be made to a schedule or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202).

SEC. 222. FINAL LIST RATE CONVERSIONS.

19 USC 1202.

(a) BALL AND ROLLER BEARINGS.—Schedule 6, part 4, subpart J is amended—

(1) by striking out items 680.35 and 680.36 and inserting in lieu thereof the following:

“		Other:			
	680.37	Ball bearings and parts thereof	11% ad val.	67% ad val.	
	680.38	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	Free		
	680.39	Other	13% ad val.	67% ad val.	
	680.41	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	Free		”;

and

(2) by redesignating item 680.40 as item 680.42.

(b) PNEUMATIC TIRES.—Schedule 7, part 12, subpart C is amended by striking out “4% ad val.” in rate column numbered 1 of item 772.51 and inserting in lieu thereof “5.7% ad val.”.

SEC. 223. AMERICAN SELLING PRICE RATE CONVERSIONS.

19 USC 1202.

(a) CLAMS.—Schedule 1, part 3, subpart E is amended—

(1) by striking out the headnote; and

(2) by striking out item 114.05 and inserting in lieu thereof the following new items:

“		Other:			
	114.04	Boiled clams, whether whole, minced, or chopped, and whether or not salted, but not otherwise prepared or preserved, in immediate containers the contents of which do not exceed 24 ounces gross weight	22.2% ad val.	110% ad val.	
	114.06	Other	14% ad val.	35% ad val.	”.

(b) FOOTWEAR.—Schedule 7, part 1, subpart A is amended—

(1) by striking out headnote 3(b) and redesignating headnote 3(a) as headnote 3;

(2) by striking out item 700.60 and inserting in lieu thereof the following new items:

“		Other:		
	700.57	Hunting boots, galoshes, rainwear, and other footwear designed to be worn over, or in lieu of, other footwear as a protection against water, oil, grease, or chemicals or cold or inclement weather	37.5% ad val.	66% ad val.
	700.59	Footwear with open toes or open heels; footwear of the slip-on type, that is held to the foot without the use of laces or buckles or other fasteners, the foregoing except footwear provided for in item 700.57 and except footwear having a foxing or foxing-like band wholly or almost wholly of rubber or plastics applied or molded at the sole and overlapping the upper	37.5% ad val.	66% ad val.

	Other:		
	Footwear having soles (or midsoles, if any) of rubber or plastics which are affixed to the upper exclusively with an adhesive (any midsoles also being affixed exclusively to one another and to the outsole with an adhesive); the foregoing except footwear having a foxing or foxing-like band applied to or molded at the sole and overlapping the upper and except footwear with soles which overlap the upper other than at the toe or heel:		
700.61	Valued not over $6.50 per pair	37.5% ad val.	66% ad val.
700.62	Valued over $6.50 but not over $12 per pair.	90¢ per pair + 20% ad val.	$1.58 per pair + 35% ad val.
700.63	Valued over $12 per pair	20% ad val.	35% ad val.
	Other:		
700.64	Valued not over $3.00 per pair	48% ad val.	84% ad val.
700.67	Valued over $3.00 but not over $6.50 per pair	90¢ per pair + 37.5% ad val.	$1.58 per pair + 66% ad val.
700.69	Valued over $6.50 but not over $12 per pair.	90¢ per pair + 20% ad val.	$1.58 per pair + 35% ad val.
700.71	Valued over $12 per pair	20% ad val.	35% ad val. ”;

and

(3) by redesignating items 700.58, 700.66, 700.68, and 700.70 as items 700.56, 700.72, 700.73, and 700.74, respectively.

(c) WOOL KNIT GLOVES.—Schedule 7, part 1, subpart C is amended—

(1) by striking out headnote 4; and

(2) by striking out “(see headnote 4 of this subpart)” in item 704.55.

(d) CHEMICALS.—Schedule 4, part 1, is amended—

(1) by striking out headnotes 4 and 5, and

(2) by striking out subparts B and C and inserting in lieu thereof the following:

“Subpart B.—Industrial Organic Chemicals

Subpart B headnotes:

1. The provisions of items 402.00 to 406.61, inclusive, in this subpart shall apply not only to the products described therein when obtained, derived, or manufactured in whole or in part from products described in subpart A of this part, but shall also apply to products of like chemical composition having a benzenoid, quinoid, or modified benzenoid structure artificially produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in said subpart A.

2. For the purpose of classification of merchandise provided for under items 402.36 to 406.61, inclusive, the following provisions shall govern:

(a) The term “derivatives” refers to only those derivatives which may be obtained by one or more of the following processes: Halogenation, nitration, nitrosation, or sulfonation, and is to be understood to include sulfonyl halides.

(b) A compound with functional groups described in two or more items under items 402.36 to 406.61, inclusive, is to be classified in the latest applicable item. For example, 4-

acetamido-2-aminophenol, which contains three functional groups, will be classified in 405.12 (Amides), rather than in 404.92 to 405.08, inclusive (Aminophenols), or in 404.84 and 404.88 (Amines), or in 403.51 (Phenols). When applicable, classification should be made in accordance with the following principles:

(i) Salts of organic acids (including phenols) with inorganic bases and salts of organic bases with inorganic acids are to be classified under the same superior heading as the organic acid or base; salts of organic acids with organic bases are to be classified either under the superior heading which describes the functional groups present in the free acid or under the one which describes the functional groups present in the free base, whichever is listed later..

(ii) Esters of organic acids are to be classified either under the superior heading which describes the functional groups present in the free acid or under the one which describes the functional groups present in the free alcohol or phenol, whichever is listed later.

(iii) The above provisions apply also in cases where the component having the functional groups described under the later superior heading is not of benzenoid origin. For example, benzyl acetate is classified under carboxylic acids (404.24 to 404.46, inclusive) rather than under alcohols (403.45).

	Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of this part:		
402.00	Anthracene having a purity of 30% or more by weight..	1.4¢ per lb. +9.3% ad val.	7¢ per lb. +46.5% ad val.
402.04	Carbazole having a purity of 65% or more by weight....	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
402.08	Naphthalene which after the removal of all water present has a solidifying point of 79° C. or above............	0.7¢ per lb. +4% ad val.	7¢ per lb. +40% ad val.
402.12	Phthalic anhydride..	1.2¢ per lb. +8.6% ad val.	7¢ per lb. +49% ad val.
402.16	Styrene..	1.4¢ per lb. +9% ad val.	7¢ per lb. +45% ad val.
	All distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5 % by weight of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate:		
402.20	Phenol (carbolic acid) which on being subjected to distillation yields in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate..........	1.5¢ per lb. +12.5% ad val.	3.5¢ per lb. +29.5% ad val.
402.24	Cresylic acid which on being subjected to distillation yields in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by		

	weight of the original distillate	0.85¢ per lb. +5% ad val.	3.5¢ per lb. +20% ad val.
402.28	Metacresol, orthocresol, paracresol, and metaparacresol, all the foregoing having a purity of 75% or more by weight	0.8¢ per lb. +5.3% ad val.	7¢ per lb. +42.5% ad val.
402.32	Other	1.7¢ per lb. +8.4% ad val.	7¢ per lb. +33.5% ad val.
	Other:		
	Hydrocarbons:		
402.36	Alkylbenzenes and polyalkylbenzenes	1.7¢ per lb. +17.3% ad val.	7¢ per lb. +55% ad val.
402.40	Bi- and polyphenyls	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
402.44	α-Methylstyrene	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
402.48	Vinyltoluene	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
402.52	Other	1.7¢ per lb. +21.4% ad val.	7¢ per lb. +68.5% ad val.
	Halogenated hydrocarbons:		
402.56	Benzyl chloride (α-Chlorotoluene)	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
402.60	Benzotrichloride (α,α,α, - Trichloro - toluene)	1.7¢ per lb. +15.2% ad val.	7¢ per lb. +48% ad val.
	Chlorobenzenes, mono-, di-, and tri-:		
402.64	Monochlorobenzene	1.7¢ per lb. +28.6% ad val.	7¢ per lb. 91.5% ad val.
402.68	Orthodichlorobenzene	1.7¢ per lb. +26.3% ad val.	7¢ per lb. +84% ad val.
402.72	Other	1.7¢ per lb. +12.6% ad val.	7¢ per lb +40.5% ad val.
402.76	Chlorinated biphenyl	1.7¢ per lb. +12.1% ad val.	7¢ per lb. +39% ad val.
402.80	Other	1.7¢ per lb. +22.3% ad val.	7¢ per lb. +71% ad val.
	Hydrocarbon derivatives:		
402.84	Monochloromononitrobenzenes	1.7¢ per lb. +18.4% ad val.	7¢ per lb. +59% ad val.
402.88	4,4' - Dinitrostilbene - 2,2' - disulfonic acid	1.7¢ per lb. +15.6% ad val.	7¢ per lb. +50% ad val.
	Nitrated benzene, toluene, or naphthalene:		
402.96	p - Nitrotoluene	1.4¢ per lb. +10% ad val.	7¢ per lb. +40% ad val.

402.98	Other	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
403.00	Nitrotoluenesulfonic acids	1.7¢ per lb. + 23.3% ad val.	7¢ per lb. + 74.5% ad val.
403.05	p - Toluenesulfonyl chloride	1.7¢ per lb. + 13% ad val.	7¢ per lb. + 41.5% ad val.
	Other:		
403.09	m - Benzenedisulfonic acid, sodium salt; 1 - Bromo - 2 - nitrobenzene; 1 - Chloro - 3,4 - dinitrobenzene; 1,2 - Dichloro - 4 - nitrobenzene; o - Fluoronitrobenzene; 1,5 - Naphthalenedisulfonic acid; p - Nitro - o - xylene; and o - (and p) - Toluenesulfonic acid, methyl ester	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
403.12	Other	1.7¢ per lb. + 15.9% ad val.	7¢ per lb. + 51% ad val.
	Alcohols, phenols, ethers (including epoxides and acetals), aldehydes, ketones, alcohol peroxides, ether peroxides, ketone peroxides, and their derivatives:		
403.16	Alkyl cresols	1.7¢ per lb. + 12.6% ad val.	7¢ per lb. + 40.5% ad val.
403.20	Alkyl phenols	1.7¢ per lb. + 25% ad val.	7¢ per lb. + 80% ad val.
403.24	6 - Chloro - m - cresol [OH = 1]	1.5¢ per lb. + 10.2% ad val.	7¢ per lb. + 41% ad val.
403.28	Naphthols	1.7¢ per lb. + 22.7% ad val.	7¢ per lb. + 73% ad val.
403.32	2 - Naphthol - 3,6 - disulfonic acid and its salts	1.4¢ per lb. + 13.5% ad val.	7¢ per lb. + 54% ad val.
403.36	Nitrophenols	1.7¢ per lb. + 16.1% ad val.	7¢ per lb. + 51.5% ad val.
403.41	Resorcinol	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
	Other:		
403.45	Alcohols	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
	Phenols and phenol - alcohols:		
403.49	4,4' - Isopropylidenediphenol (Bisphenol A)	1.7¢ per lb. + 13.7% ad val.	7¢ per lb. + 44% ad val.
403.51	Other	1.7¢ per lb. + 13.7% ad val.	7¢ per lb. + 44% ad val.

	Halogenated, sulfonated, nitrated, or nitrosated derivatives of phenols or phenol - alcohols:		
403.52	m - Chlorophenol; 2,5 - Dihydroxybenzene - sulfonic acid, potassium salt; 3,6 - Dihydroxy - 2,7 - naphthalenedisulfonic acid; 3,6 - Dihydroxy - 2,7 - naphthalenedisulfonic acid, sodium salt; Dinitro - o - cresol; 4-Hydroxy-1-naphthalene-sulfonic acid; 4-Hydroxy-1-naphthalene-sulfonic acid, sodium salt (1 - Naphthol - 4 - sulfonic acid); 1 - Naphthol - 3,6 - disulfonic acid; and 4 - Nitro - m - cresol	1.7¢ per lb. +14.3% ad val.	7¢ per lb. +45.5% ad val.
403.56	Other	1.7¢ per lb. +19.4% ad val.	7¢ per lb. +62% ad val.
	Ethers, ether - alcohols, ether - phenols, ether - alcohol - phenols, peroxides of alcohols, ethers, and ketones, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:		
403.61	5 - Chloro - 2 - nitroanisole; Dimethyl diphenyl ether; 4 - Ethylguaiacol; 2-(α-Hydroxyethoxy) phenol; and Nitrochlorohydroquinone, dimethyl ester	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
403.64	Other	1.7¢ per lb. +22% ad val.	7¢ per lb. +70.5% ad val.
403.68	Epoxides, epoxyalcohols, epoxy - phenols, and epoxyethers, with a three- or four - member ring, and their halogenated, sulfonated, nitrated, or nitrosated derivatives	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
403.72	Acetals and hemiacetals and single and complex oxygen function acetals and hemiacetals, and their halogenated, sulfonated, nitrated, or nitrosated derivatives	1.7¢ per lb. +13% ad val.	7¢ per lb. +41.5% ad val.
403.76	Aldehydes, aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols, and other single or complex oxygen - function aldehydes; cyclic polymers of aldehydes and paraformaldehyde	1.7¢ per lb +12.9% ad val.	7¢ per lb. +41% ad val.
403.81	Halogenated, sulfonated, nitrated, or nitrosated derivatives of aldehydes,		

	aldehyde - alcohols, aldehyde - ethers, aldehyde - phenols, and other single or complex oxygen - function aldehydes, cyclic polymers of aldehydes and paraformaldehyde	1.7¢ per lb +24.3% ad val.	7¢ per lb. +77.5% ad val.
	Ketones, ketone - alcohols, ketone-phenols, ketone - aldehydes, quinones, quinone - alcohols, quinone - phenols, quinone - aldehydes, and other single or complex oxygen - function ketones and quinones, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:		
403.88	2,3 - Dichloro - 1,4 - naphthoquinone	1.4¢ per lb. +13% ad val.	7¢ per lb. +52% ad val.
403.92	1,8 - Dihydroxy - 4,5 - dinitroanthraquinone	1.5¢ per lb. +10.8% ad val.	7¢ per lb. +43% ad val.
403.96	Other	1.7¢ per lb. +13.1% ad val.	7¢ per lb. +42% ad val.
	Carboxylic acids, anhydrides, halides, acyl peroxides, peroxyacids, and their derivatives:		
404.00	1,2,4 - Benzenetricarboxylic acid, 1,2 - dianhydride (Trimellitic anhydride)	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
404.04	Benzoic acid	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
404.08	Benzoyl chloride	1.7¢ per lb. +13.7% ad val.	7¢ per lb. +44% ad val.
404.12	Isophthalic acid	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
404.16	Terephthalic acid	1.7¢ per lb. +24% ad val.	7¢ per lb. +77% ad val.
404.20	Terephthalic acid, dimethyl ester	1.7¢ per lb. +13.1% ad val.	7¢ per lb. +42% ad val.
	Other:		
	Monocarboxylic acids and their anhydrides, halides, peroxides, and peracids, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:		
404.24	Benzoic anhydride; tert - Butyl peroxybenzoate; 4 - Chloro - 3 - nitrobenzoic acid; m - Chloroperoxybenzoic acid; Metrizoic acid; p - Nitrobenzoyl chloride; 2 - Nitro - m - toluic acid; 3 - Nitro - o - toluic acid; and		

		Phenylacetic acid (α - Toluic acid) ...	1.7¢ per lb. + 12.6% ad val.	7¢ per lb. + 40.5% ad val.
404.28		Other	1.7¢ per lb. + 17.9% ad val.	7¢ per lb. + 57% ad val.
		Polycarboxylic acids and their anhydrides, halides, peroxides, and peracids, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:		
404.32		Naphthalic anhydride; Phthalic acid; 4 - Sulfo - 1,8 - naphthalic anhydride; and Terephthalaldehyde	1.7¢ per lb. + 11.6% ad val.	7¢ per lb. + 37% ad val.
404.36		Other	1.7¢ per lb. + 22.7% ad val.	7¢ per lb. + 73% ad val.
		Carboxylic acids with alcohol, phenol, aldehyde, or ketone function and other single or complex oxygen - function carboxylic acids and their anhydrides, halides, peroxides, and peracids, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:		
404.40		p - Anisic acid; Benzilic acid; Benzilic acid, methyl ester; 2,3 - Cresotic acid; m - Hydroxybenzoic acid; 2 - Hydroxybenzoic acid, calcium salt; 1 - Hydroxy - 2 - naphthoic acid; 2 - Hydroxy - 1 - naphthoic acid; 1 - Hydroxy - 2 - naphthoic acid, phenyl ester; 3 - Phenoxybenzoic acid; α - Resorcylic acid; γ - Resorcylic acid; and 5 - Sulfosalicylic acid	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
404.44		Gentisic acid; p - Hydroxybenzoic acid; and Hydroxycinnamic acid and its salts ..	1.4¢ per lb. + 12.1% ad val.	7¢ per lb. + 48.5% ad val.
404.46		Other	1.7¢ per lb. + 17.9% ad val.	7¢ per lb. + 57% ad val.
404.48		Esters of inorganic acids (except hydrocyanic acid, hydrogen halides, and hydrogen sulfide) and their derivatives	1.7¢ per lb. + 13.4% ad val.	7¢ per lb. + 43% ad val.
		Amines and their derivatives:		
404.52		7 - Amino - 1,3 - naphthalenedisulfonic acid and its salts; 5 - Amino - 2 - naphthalenesulfonic acid and its salts;		

	8 - Amino - 1 - naphthalenesulfonic acid and its salts;		
	4 - Amino - 2 - stilbenesulfonic acid and its salts;		
	m - Phenylenediamine;		
	o - Phenylenediamine;		
	N - Phenyl - 2 - naphthylamine;		
	Toluene - 2,4 - diamine; and 2,4-Xylidine........	1.4¢ per lb. +12.1% ad val.	7¢ per lb. +48.5% ad val.
404.56	8 - Amino - 2 - naphthalenesulfonic acid and its salts..	1.4¢ per lb. +9.7% ad val.	7¢ per lb. +39% ad val.
404.60	Aniline	1.7¢ per lb. +13.6% ad val.	7¢ per lb. +43.5% ad val.
404.64	4,4′ - Diamino - 2,2′ - stilbenedisulfonic acid....	1.7¢ per lb. +25% ad val.	7¢ per lb. +80% ad val.
404.68	N,N - Dimethylaniline..................................	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
404.72	N - Methylaniline; and 2,4,6 - Trimethylaniline (Mesidine)...	1.5¢ per lb. +9.3% ad val.	7¢ per lb. +37% ad val.
404.76	4,4′ - Methylenedianiline	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
404.80	Nitrodiphenylamine..	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
	Other:		
404.84	5 - Amino - 2 - (p - aminoanilino) benzenesulfonic acid;		
	o - Aminobenzenesulfonic acid (Orthanilic acid);		
	p - Aminobenzoylamino - naphthalene sulfonic acid;		
	3 - Amino - 2,7 - naphthalene - disulfonic acid;		
	4 - Amino - 1 - naphthalene - sulfonic acid, sodium salt;		
	5 - Amino - 1 - naphthalene - sulfonic acid (Laurent's acid);		
	7 - Amino - 1,3,6 - naphthalene - trisulfonic acid;		
	Aminophenol, substituted;		
	8 - Anilino - 1 - naphthalene - sulfonic acid (Phenyl Peri acid);		
	6 - Chlorometanilic acid;		
	2 - Chloro - 5 - nitroaniline;		
	4 - Chloro - 3 - nitroaniline;		
	4 - Chloro - o - toluidine [NH_2=1] and hydrochloride;		
	5 - Chloro - o - toluidine [NH_2=1] (Chloro - o - toluidine [CH_3=1]);		
	6 - Chloro - o - toluidine [NH_2=1];		
	4,4′ - Diamino - 3 - biphenyl - sulfonic acid (3 - Benzidine - sulfonic acid);		
	2,3 - Dichloroaniline;		
	2,4 - Dichloroaniline;		
	3,5 - Dichloroaniline;		

	2,6 - Dichloro - m - toluidine; N,N - Diethylmetanilic acid; 2,4 - Difluoroaniline; 3,3' - Dimethylbenzidine (o - Tolidine); 3,3' - Dimethylbenzidine hydrochloride; N,N - Dimethyl - p - toluidine; p - Ethylaniline; 3 - (N - Ethylanilino)propionic acid, methyl ester; N - Ethyl - N - benzyl - m - toluidine; N - Ethyl - N,N' - dimethyl - N' - phenylethylenediamine; N - Ethyl - 1 - naphthylamine; p - Fluoroaniline; 4,4' - Methylenebis[2 - chloroaniline]; 1,8 - Naphthalenediamine; m - Nitroaniline; 1 - (p - Nitrophenyl) - 2 - amino - 1,3 - propane diol; 4 - Nitro - m - phenylenediamine; Toluene - 2,5 - diamine; Toluidine carbonate; 2,4,5 - Trichloroaniline; 2,3 - Xylidine; and 3,4 - Xylidine	1.7¢ per lb. + 12.4% ad val.	7¢ per lb. + 39.5% ad val.
404.88	Other	1.7¢ per lb. + 18.8% ad val.	7¢ per lb. + 60% ad val.
	Amines having one or more oxygen functions, and their derivatives:		
404.92	p - Acetaminobenzaldehyde; 2' - Aminoacetophenone; m - Aminobenzoic acid, technical; Aminobisphenol ester; 2 - Amino - 4 - chlorophenol; 2 - Amino - 4 - chlorophenol hydrochloride; 2 - Amino - p - cresol; 4 - Amino - o - cresol; 6 - Amino - 2,4 - dichloro - 3 - methyl - phenol; 4 - Amino - 5 - hydroxy - 1,3 - naphthalenedisulfonic acid (Chicago acid); 4 - Amino - 5 - hydroxy - 1,3 - naphthalenesulfonic acid, potassium salt; 4 - Amino - 5 - hydroxy - 2,7 - naphthalenedisulfonic acid, potassium salt (H acid, monopotassium salt); 4 - Amino - 5 - hydroxy - 2,7 - naphthalenedisulfonic acid, monosodium salt (H acid, monosodium salt); 4 - Amino - 5 - hydroxy - 1,3 - naphthalenedisulfonic acid, sodium salt; 4 - Amino - 3 - hydroxy - 1 - naphthalenesulfonic acid; 2 - (3 - Amino - 4 - hydroxyphenyl - sulfonyl)ethanol; 2 - Amino - 4 - nitrophenol; 2 - Amino - 5 - nitrophenol; 2 - Amino - 4 - nitrophenol, sodium salt; m - Aminophenol; 2 - (4' - Aminophenoxy)ethylsulfate; 1,4 - Bis[1 - anthraquinonylamino] - anthraquinone;		

		4,4', - Bis(dimethylamino)benzhydrol (Michler's hydrol); 5 - Chloro - 2[2',4' - dichlorophenoxy]- aniline; 3,5 - Diaminobenzoic acid; DL - 3 - (3,4 - Dihydroxyphenyl) - alanine; 1,4 - Dimesidinoanthraquinone; 3,4 - Dimethoxyphenethylamine (Homoveratrylamine); 4 - Dimethylaminobenzaldehyde; 2 - Hydroxy - 5 - nitrometanilic acid; β - (β - Methoxyethoxyethyl) - 4 - aminobenzoate; 4 - Methoxymetanilic acid; 6' - Methoxymetanilic acid; 4 - Methoxy - m - phenylenediamine; 5 - Methoxy - m - phenylenediamine sulfate; 6 - (Methylamino) - 1 - naphthol - 3 - sulfonic acid; 7 - (Methylamino) - 1 - naphthol - 3 - sulfonic acid; 2 - Methyl - p - anisidine [$NH_2 = 1$]; Nitra acid amide (1-amino-9,10-dihydro-N-(3-methoxypropyl)-4-nitro-9,10-dioxo-2-anthramide); and L - Phenylalanine	1.7¢ per lb. +12.2% ad val.	7¢ per lb. +39% ad val.
404.96		3' - Aminoacetophenone; o - Anisidine; p - Anisidine; m - Diethylaminophenol; 3 - Ethylamino - p - cresol; Iminodianthraquinone; 5 - Methoxy - m - phenylenediamine; and dl - Phenylephrine base	1.5¢ per lb. +16.2% ad val.	7¢ per lb. +65% ad val.
405.00		p - Aminobenzoic acid; 6 - Amino - 1 - naphthol - 3 - sulfonic acid and its salts; 8 - Amino - 1 - naphthol - 5 - sulfonic acid and its salts; m - Dimethylaminophenol; and p - Phenetidine	1.4¢ per lb. +12.7% ad val.	7¢ per lb. +51% ad val.
405.03		4 - Chloro - 2,5 - dimethoxyaniline [$NH_2 = 1$]; and 2,4 - Dimethoxyaniline	1.5¢ per lb. +10.4% ad val.	7¢ per lb. +41.5% ad val.
405.06		Other	1.7¢ per lb. +15.6% ad val.	7¢ per lb. +50% ad val.
		Amides and their derivatives:		
405.12		4 - Acetamido - 2 - aminophenol	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
405.16		2 - Acetamido - 3 - chloro- anthraquinone; o - Acetoacetanisidide; o - Acetoacetotoluidide; 2',4' - Acetoacetoxylidide; and		

	1 - Amino - 5 - benzamidoanthraquinone	1.5¢ per lb. + 13.2% ad val.	7¢ per lb. + 53% ad val.
405.21	Benzanilide	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
405.24	Biligrafin acid; and 3,5 - Diacetamido - 2,4,6 - triiodobenzoic acid	1.4¢ per lb. + 8.5% ad val.	7¢ per lb. + 34% ad val.
	Other:		
405.28	p - Acetanisidide; Acetoacetbenzylamide; Acetoacet - 5 - chloro - 2 - toluidide; p - Acetoacetophenetidide; N - Acetyl - 2,6 - xylidine (N - Acetyl - 2,6 - dimethylaniline); p - Aminobenzoic acid isooctyl - amide; 2 - Amino - 4 - chlorobenzamide; 4 - Aminohippuric acid; 4' - Amino - N - methylacetanilide; p - Aminophenyl urethane; 1 - Benzamido - 4 - chloro - anthraquinone; 1 - Benzamido - 5 - chloro - anthraquinone; 4' - Chloroacetoacetanilide; 3 - (N,N - Dihydroxy - ethylamino)benzanilide; 2,5 - Dihydroxy - N - (2 - hydroxyethyl)benzamide; 2,5 - Dimethoxyacetanilide; Gentisamide; N - (7 - Hydroxy - 1 - naphthyl)acetamide; and Phenacetin, technical	1.7¢ per lb. + 12.4% ad val.	7¢ per lb. + 39.5% ad val.
405.32	Other	1.7¢ per lb. + 18.1% ad val.	7¢ per lb. + 58% ad val.
	Other nitrogen-function compounds (except those in which the only nitrogen function is a nitro ($-NO_2$) or a nitroso ($-NO$) group, or an ammonium salt of an organic acid) and their derivatives:		
405.36	Benzonitrile	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
405.41	Diazoaminobenzene (1,3 - Diphenyl - triazene)	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
405.44	Toluenediisocyanates (unmixed)	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
	Other:		
405.48	Quaternary ammonium salts and hydroxides	1.7¢ per lb. + 11.2% ad val.	7¢ per lb. + 36% ad val.
405.52	Carboxyimide-function compounds (including orthobenzoic sulfimide and		

	its salts) and imine-function compounds	1.7¢ per lb. + 19.1% ad val.	7¢ per lb. + 61% ad val.
	Nitrile-function compounds:		
405.56	2 - Amino - 4 - chlorobenzonitrile (5 - Chloro - 2 - cyanoaniline); 2 - Amino - 5 - chlorobenzo - nitrile; 4 - Amino - 2 - chlorobenzo - nitrile; 2 - Amino - 5 - nitrobenzonitrile; (Cyanoethyl)(hydroxyethyl) - m - toluidine; 2 - Cyano - 4 - nitroaniline; Dichlorobenzonitrile; Phthalonitrile; and Tetrachloro - 3 - cyanobenzoic acid, methyl ester	1.7¢ per lb. + 12.7% ad val.	7¢ per lb. + 41% ad val.
405.60	Other	1.7¢ per lb. + 20.5% ad val.	7¢ per lb. + 65.5% ad val.
	Diazo-, azo-, and azoxy - compounds:		
405.64	p - Aminoazobenzenedisulfonic acid; 4 - Aminoazobenzenedisulfonic acid, monosodium salt; 6 - Amino - 3,4' - azodibenzenesulfonic acid (C.I. acid yellow 9); and 6 - Bromo - 5 - methyl - 1H - imidazo [4,5 - b]pyridine	1.7¢ per lb. + 12.6% ad val.	7¢ per lb. + 40.5% ad val.
405.68	Other	1.7¢ per lb. + 19.9% ad val.	7¢ per lb. + 63.5% ad val.
405.72	Organic derivatives of hydrazine or hydroxylamine	1.7¢ per lb. + 13.6% ad val.	7¢ per lb. + 43.5% ad val.
	Compounds with other nitrogen functions:		
405.76	Bitolylene diisocyanate (TODI); o-Isocyanic acid, o-tolyl ester; and Xylene diisocyanate	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
405.80	Other	1.7¢ per lb. + 16.2% ad val.	7¢ per lb. + 52% ad val.
	Organo-inorganic compounds (i.e., compounds having an atom other than carbon, hydrogen, oxygen, nitrogen, chlorine or other halogen attached directly to a carbon atom), and their derivatives:		
405.84	Benzenethiol (Thiophenol)	1.7¢ per lb. + 12% ad val.	7¢ per lb. + 38.5% ad val.
405.88	Phenylsulfone	1.5¢ per lb. + 13.3% ad val.	7¢ per lb. + 53% ad val.
405.92	Sodium tetraphenylboron	1.5¢ per lb. + 10% ad val.	7¢ per lb. + 40% ad val.

405.96	2,4,4′, 5′ - Tetrachlorophenylsulfone	1.4¢ per lb. + 10.4% ad val.	7¢ per lb. + 41.5% ad val.
	Other:		
406.00	Organo-sulfur compounds	1.7¢ per lb. + 12.6% ad val.	7¢ per lb. + 40.5% ad val.
406.05	Organo-mercury compounds	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
406.08	Other	1.7¢ per lb. + 21.4% ad val.	7¢ per lb. + 68.5% ad val.
	Heterocyclic compounds and their derivatives (including lactones and lactams but excluding epoxides with three membered rings, anhydrides and imides of polybasic acids, and cyclic esters of polyhydric alcohols with polybasic acids):		
406.12	1,2 Dihydro - 2,2,4 - trimethylquinoline	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
406.16	2,2′ - Dithiobisbenzothiazole	1.7¢ per lb. + 17.9% ad val.	7¢ per lb. + 57% ad val.
406.20	Ethoxyquin (1,2 - Dihydro - 6 - ethoxy - 2,2,4-trimethylquinoline)	1.7¢ per lb. + 17.1% ad val.	7¢ per lb. + 55% ad val.
406.24	1 - Hydroxy - 2 - carbazolecarboxylic acid; 2 - Hydroxy - 3 - dibenzofuran - carboxylic acid; and 7 - Nitronaphth[1,2]oxadiazole - 5 - sulfonic acid and its salts	1.4¢ per lb. + 16.6% ad val.	7¢ per lb. + 66.5% ad val.
406.28	2 - Mercaptobenzothiazole, sodium salt (2 - Benzothiazolethiol, sodium salt)	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
406.32	2 - Pyridinecarboxaldehyde; and Vinylcarbazole, mono	1.5¢ per lb. + 10% ad val.	7¢ per lb. + 40% ad val.
	Other:		
406.36	4 - Aminoantipyrine; 2 - Amino - 6 - methoxy - benzothiazole; 2 - Amino - 6 - methyl - benzothiazole; Aminomethylphenylpyrazole (Phenylmethylaminopyrazole); 5 - Amino - 3 - phenyl - 1,2,4 - thiadiazole (3 - phenyl - 5 - amino - 1,2,4 - thiadiazole); 3 - Amino - 1 - (2,4,6 - trichloro - phenyl) - 5 - pyrazolone; p - Chloro - 2 - benzylpyridine; 4 - Chloro - 3 - (3 - methyl - 5 - oxo - 2 - pyrazolin - 1 - yl) - benzenesulfonic acid; 4 - Chloro - 1 - methylpiperidine hydrochloride; 1 - (m - Chlorophenyl) - 3 - methyl - 2 - pyrazolin - 5 - one; 1 - (2′,5′- Dichlorophenyl) - 3 - methyl - 2		

		- pyrazolin - 5 - one;		
		2,3 - Dichloro - 6 - quinoxaline - carbonyl chloride;		
		1,4 - Dimethyl - 6 - hydroxy - 3 - cyanpyridone - 2;		
		6 - Ethoxy - 2 - benzothiazolethiol;		
		o - Ethylpyrazolone;		
		2 - Hydroxy - 3 - carbazolecarboxylic acid;		
		2 - Hydroxy - 3 - carbazole - carboxylic acid, sodium salt;		
		Iminodibenzyl (10,11 - dihydro - 5H - dibenz[b,f]azepine;		
		5 - Imino - 3 - methyl - 1 - (m - sulfophenyl)pyrazole;		
		5 - Imino - 3 - methyl - 1 - phenyl - pyrazole;		
		Iminopyrazole - 3 - sulfonic acid;		
		Indoline;		
		Isoquinoline;		
		3 - Methylbenzo[f]quinoline;		
		3 - Methylbenzothiazole - 2 - hydrazone;		
		2 - Methylindoline;		
		1 - methyl - 2 - phenylindole;		
		Methylpyrazine;		
		8 - Methylquinoline;		
		2 - Phenylbenzimidazole;		
		p - Phenylimidazole;		
		2 - Phenylimidazole;		
		2 - Phenylindole;		
		4 - Phenylpropylpyridine;		
		p - Phenylpyridylacetic acid, methyl ester;		
		Picolinic acid;		
		Primuline base;		
		Pyrazole (3 - carboxy - 1 - 4 - sulphophenylpyrazole - 5 - one);		
		2,5 - Pyridinedicarboxylic acid;		
		3 - Quinuclidinol;		
		Tetramethylpyrazine;		
		1,9 - Thianthrenedicarboxylic acid;		
		Thioxanthen - 9 - one (Thioxanthone);		
		1 - (2,4,6 - Trichlorophenyl) - 3 - aminopyrazolone;		
		2 - (Trifluoromethyl) - phenothiazine;		
		2,3,5 - Triphenyltetrazolium chloride;		
		DL - Tryptophan; and		
		Xanthen - 9 - one	1.7¢ per lb. +12.4% ad val.	7¢ per lb. +39.5% ad val.
406.40		Other	1.7¢ per lb. +16.2% ad val.	7¢ per lb. +52% ad val.
		Sulfonamides, sultones, sultams, and other organic compounds:		
406.44		Copper phthalocyanine ([Phthalocyanato(2 -)] copper)	1.7¢ per lb. +20.9% ad val.	7¢ per lb. +67% ad val.
		Sulfonamides:		
406.48		4 - Amino - 6 - chloro - m - benzenedisulfonamide;		
		2 - Amino - N - ethylbenzene - sulfonanilide;		

	5 - Amino - α,α,α - trifluoro - toluene - 2,4 - disulfonamide; Benzenesulfonamide; Benzenesulfonyl hydrazide; 2 - Chloro - 4 - amino - 5 - hydroxybenzenesulfonamide; 2,5 - Dimethoxysulfanilide; and Metanilamide	1.7¢ per lb. +12.8% ad val.	7¢ per lb. +41% ad val.
406.52	o - Toluenesulfonamide	1.4¢ per lb. +14.4% ad val.	7¢ per lb. +57.5% ad val.
406.56	Other	1.7¢ per lb. +18% ad val.	7¢ per lb. +57.5% ad val.
406.61	Other	1.7¢ per lb. +14.5% ad val.	7¢ per lb. +46.5% ad val.
	All other products, by whatever name known, not provided for in subpart A or C of this part, including acyclic organic chemical products, which are obtained, derived, or manufactured in whole or in part from any of the cyclic products having a benzenoid, quinoid, or modified benzenoid structure provided for in the foregoing provisions of this subpart or in subpart A of this part:		
406.64	Acetone	1.7¢ per lb. +18.7% ad val.	7¢ per lb. +60% ad val.
406.68	Adipic acid	1.7¢ per lb. +19.8% ad val.	7¢ per lb. +63% ad val.
406.72	Caprolactam monomer	1.5¢ per lb. +10% ad val.	7¢ per lb. +40% ad val.
406.76	Cyclohexane	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
406.81	Cyclohexanone	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
406.84	Fumaric acid	1.7¢ per lb. +27.2% ad val.	7¢ per lb. +87% ad val.
406.86	Hexamethylene adipamide	1.5¢ per lb. +11.5% ad val.	7¢ per lb. +46% ad val.
406.92	Hexamethylenediamine	1.7¢ per lb. +20.8% ad val.	7¢ per lb. +66.5% ad val.
406.96	Maleic anhydride	1.7¢ per lb. +15.6% ad val.	7¢ per lb. +50% ad val.
407.00	Methylcyclohexanone	1.5¢ per lb. +10% ad val.	7¢ per lb. +40% ad val.
407.05	Other	1.7¢ per lb. +16.8% ad val.	7¢ per lb. +53.5% ad val.
	Mixtures in whole or in part of any of the products provided for in this subpart:		
407.09	Solvents which contain over 25 percent by weight of		

	any of the products provided for in this subpart	1.7¢ per lb. +13.6% ad val., but not less than the highest rate applicable to any component material	7¢ per lb. +43.5% ad val., but not less than the highest rate applicable to any component material
407.15	Other	1.7¢ per lb. +13.6% ad val., but not less than the highest rate applicable to any component material	7¢ per lb. +43.5% ad val., but not less than the highest rate applicable to any component material

Subpart C.—Finished Organic Chemical Products

Subpart C headnotes:

1. The provisions of this subpart providing for products obtained, derived, or manufactured in whole or in part from products described in subpart A or B of this part shall also apply to products of like chemical composition having a benzenoid, quinoid, or modified benzenoid structure artificially produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in the said subpart A or B.

2. The term "pesticides" in items 408.16 to 408.36, inclusive, means products, such as insecticides, rodenticides, fungicides, herbicides, fumigants, and seed disinfectants, chiefly used to destroy undesired animal or plant life.

3. The term "plastics materials" in items 408.44 to 409.18, inclusive, embraces products formed by the condensation, polymerization, or copolymerization of organic chemicals and to which plasticizers, fillers, colors, or extenders may have been added. The term includes, but is not limited to, phenolic and other tar - acid resins, styrene resins, alkyd and polyester resins based on phthalic anhydride, coumarone-indene resins, urethane, epoxy, toluene sulfonamide, maleic, fumaric, aniline, and polyamide resins, and other synthetic resins. The plastics materials may be in solid, semi-solid, or liquid condition, such as flakes, powders, pellets, granules, solutions, emulsions, and other basic forms not further processed.

4. For the purpose of the classification of merchandise provided for under items 408.44 to 409.18, inclusive, the following provisions shall apply:

(a) The term "thermoplastic resins" means those materials in unfinished forms which in their final state as finished articles are capable of being repeatedly softened by increase of temperature and hardened by decrease of temperature.

(b) The term "thermosetting resins" (or thermosets) means those materials in unfinished forms which in their final state as finished articles are substantially infusible. Thermosetting resins are often liquids at some stage in their manufacture or processing and are cured by heat, catalysis, or other chemical means. After being fully cured, thermosets cannot be resoftened by heat.

(c) Copolymers and terpolymers not specially provided for shall be classified as if they consisted entirely of that monomer which is present in the largest amount by weight on a resin content basis (i.e., excluding the weight of plasticizers, liquid diluents, fillers, or other additives). Any polymer consisting of two or more monomers which are present in equal amounts shall be classified as if it consisted entirely of that monomer whose polymer is listed first under the thermoplastic or thermosetting resins, as appropriate.

5. The term "paints and enamel paints" in this subpart covers dispersions of pigments or pigment-like materials with a liquid (vehicle) which are suitable for application to surfaces as a thin layer, and which dry (harden) to an opaque, solid film. The vehicle of paints consists of drying oils or resins which bind the pigment particles together in the film; the vehicle of enamel paints is principally varnish. Paints and enamel paints may also contain thinners, driers, plasticizers, or other agents.

6. The term "varnishes" in this subpart covers liquid surface-coating products which contain no pigments or pigment-like materials, and which dry (harden) to a transparent or translucent film. Shellac varnishes are solutions of shellac or any other form of lac in a volatile solvent such as ethyl alcohol. Oleoresinous varnishes consist of resins dissolved in or reacted with a drying oil, to which thinners, driers, and plasticizers may be added. Cellulose-derivative varnishes (lacquers) are solutions of cellulose nitrate or other cellulose derivatives in a volatile solvent.

7. The term "stains" in this subpart covers liquids containing transparent or semi-transparent pigments, dyes, or chemicals, chiefly used to deepen or otherwise alter the color of wood, but which will not obscure its grain, texture, or markings.

8. For the purposes of this subpart—

(a) The term "surface-active agents" means synthetic organic compounds, or mixtures thereof, which function as surface tension modifiers and are chiefly used for any one or combination of the following purposes: as detergents, wetting agents, emulsifiers, dispersants, or foaming agents.

(b) The term "synthetic detergents" embraces formulated materials which are used chiefly for household, laundry, and industrial cleaning purposes, and which consist of one or more surface-active agents as the active ingredients in combination with colors, brighteners, perfumes, inert diluents, builders, and extenders such as inorganic salts, polyphosphates, polysilicates or sodium carboxymethylcellulose.

9. The term "plasticizers" in item 409.34 means substances which may be incorporated into a material (usually a plastic, resin material, or an elastomer) to increase its softness, flexibility, workability, or distensibility.

10. The term "drugs" in this subpart means those substances having therapeutic or medicinal properties and chiefly used as medicines or as ingredients in medicines.

11. For the purposes of the provisions of this subpart relating to "colors, dyes, stains, and related products" (except products provided for in items 410.36 to 410.44, inclusive)—

(a) the specific duties shall be based on standards of strength which shall be established by the Secretary of the Treasury, and upon all importations of such articles which exceed such standards of strength the specific duty shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength be subject to a less specific duty than that provided in the respective items of this subpart;

(b) it shall be unlawful to import or bring into the United States any such product unless the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such product;

(c) it shall be unlawful to import or bring into the United States any such product, if the immediate container or the invoice bears any statement, design, or device regarding the product or the ingredients or substances contained therein which is false, fraudulent, or misleading in any particular; and

(d) in the enforcement of the foregoing provisions of this headnote the Secretary of the Treasury shall adopt a standard of strength for each dye or other product which shall conform as nearly as practicable to the commercial strength in ordinary use in the United States prior to July 1, 1914. If a dye or other product has been introduced into commercial use since said date then the standard of strength for such dye or other product shall conform as nearly as practicable to the commercial strength in ordinary use. If a dye or other product was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other product.

12. Any product described in two or more of the items under items 411.32 to 412.68, inclusive, is to be classified in the first applicable item.

	Products obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
	Explosives:		
	Trinitrotoluene:		
408.00	Valued not over 15 cents per pound	1.7¢ per lb. +11% ad val.	7¢ per lb. +45% ad val.
408.04	Valued over 15 cents per pound	Free	7¢ per lb. +45% ad val.
408.08	Other	1.7¢ per lb. +11% ad val.	7¢ per lb. +45% ad val.
408.12	Ink powders	1.7¢ per lb. +11% ad val.	7¢ per lb. +45% ad val.
	Pesticides:		
	Not artificially mixed:		
408.16	Fungicides	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
	Herbicides (including plant growth regulators):		
408.21	S - (4 - Chlorobenzyl) - N,N - diethylthiocarbamate (Benthiocarb); 2 - (4 - Chloro - 2 - methyl - phenoxy) propionic acid and its salts; p - Chlorophenoxyacetic acid; 3-(p - Chlorophenyl) - 1,1 - dimethylurea (Monuron); 3,5 - Dibromo - 4 - hydroxy - benzonitrile (Bromoxynil); 2 - (2,4 - Dichlorophenoxy) - propionic acid;		

	2, 2 - Dimethyl - 1,3 - benzodioxol- 4 - yl methylcarbamate (Bendiocarb); 1,1 - Dimethyl - 3 - (α,α,α - tri - fluoro - m - tolyl)urea (Fluometuron); o - Diquat dibromide (1,1′ - Ethylene - 2,2′ - dipyridylium dibromide); 3 - Ethoxycarbonylaminophenyl - N - phenylcarbamate (Desmedipham); 2 - Ethoxy - 2,3 - dihydro - 3,3 - dimethyl - 5 - benzofuranyl - methanesulfonate; 3 - Isopropyl - 1H - 2,1,3 - benzothiadiazin - 4 (3H) - one - 2,2 - dioxide (Bentazon); Isopropyl - N - (3 - chlorophenyl) carbamate (CIPC); Methyl - 4 - aminobenzenesulfonyl - carbamate (Asulam); and o - Paraquat dichloride	1.7¢ per lb. + 12.6% ad val.	7¢ per lb. + 40.5% ad val.
408.22	Other	1.7¢ per lb. + 15.1% ad val.	7¢ per lb. + 48.5% ad val.
	Insecticides:		
408.24	1,2 - Benzisothiazolin - 3 - one; N′ - (4 - Chloro - o - tolyl) - N,N - dimethylformamidine; 1,1 - Dichloro - 2,2 - bis(p - ethyl - phenyl) ethane; 0,0 - Diethyl - S - [(6 - chloro - 2 - oxo - benzoxazolin - 3 - yl) methyl]phosphorodithioate (Phosalone); and 0,0 - Dimethyl - O - (4 - nitro - m - tolyl)phosphorothioate (Fenitrothion)	1.7¢ per lb. + 12.8% ad val.	7¢ per lb. + 41% ad val.
408.28	Other	1.7¢ per lb. + 20.1% ad val.	7¢ per lb. + 64.5% ad val.
408.32	Other	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.
408.36	Other	1.7¢ per lb. + 9.7% ad val.	7¢ per lb. + 31% ad val.
408.41	Photographic chemicals	3¢ per lb. + 21% ad val.	7¢ per lb. + 50% ad val.
	Plastics materials:		
408.44	Concentrated dispersions of pigments in plastics materials	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
408.48	Paints and enamel paints	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
408.52	Varnishes and lacquers	1.4¢ per lb. + 11.4% ad val.	7¢ per lb. + 57% ad val.
	Other:		
	Thermoplastic resins:		

408.54	Petroleum hydrocarbon and coumarone - indene resins	1.4¢ per lb. + 9.8% ad val.	7¢ per lb. + 49% ad val.
408.61	Polyamide resins, nylon type	1.4¢ per lb. + 10.3% ad val.	7¢ per lb. + 51.5% ad val.
408.64	Polycarbonate resins	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
408.68	Polyester resins, saturated	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
408.72	Acrylonitrile - butadiene - styrene (ABS) resins	1.4¢ per lb. + 9.4% ad val.	7¢ per lb. + 47% ad val.
408.76	Methyl methacrylate - butadiene - styrene (MBS) resins	1.4¢ per lb. + 13.5% ad val.	7¢ per lb. + 67.5% ad val.
408.81	Styrene - acrylonitrile (SAN) resins	1.4¢ per lb. + 9.1% ad val.	7¢ per lb. + 45.5% ad val.
408.84	Polystyrene resins and styrene copolymers, terpolymers (except ABS, MBS, and SAN resins)	1.4¢ per lb. + 9.2% ad val.	7¢ per lb. + 46% ad val.
408.88	Other	1.4¢ per lb. + 9.8% ad val.	7¢ per lb. + 49% ad val.
	Thermosetting resins:		
408.92	Alkyd resins	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
408.96	Allyl resins (e.g., diallyl phthalate)	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
409.02	Epoxy resins	1.4¢ per lb. + 9.4% ad val.	7¢ per lb. + 47% ad val.
409.06	Phenolic resins	1.4¢ per lb. + 9.6% ad val.	7¢ per lb. + 48% ad val.
409.10	Polyester resins, unsaturated	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
409.14	Polyurethane resins	1.4¢ per lb. + 10.3% ad val.	7¢ per lb. + 51.5% ad val.
409.18	Other	1.4¢ per lb. + 9% ad val.	7¢ per lb. + 45% ad val.
	Products chiefly used as assistants in preparing or finishing textiles:		
409.22	Surface-active agents and synthetic detergents	1.4¢ per lb. + 10.7% ad val.	7¢ per lb. + 53.5% ad val.
409.26	Other	1.4¢ per lb. + 9.9% ad val.	7¢ per lb. + 49.5% ad val.
409.30	Products (except those in items 409.22 and 409.26)		

	chiefly used for any one or combination of the following purposes: As detergents, wetting agents, emulsifiers, dispersants, or foaming agents	1.7¢ per lb. +13.9% ad val.	7¢ per lb. +44.5% ad val.
409.34	Products chiefly used as plasticizers	1.7¢ per lb. +17.7% ad val.	7¢ per lb. +57% ad val.
409.38	Sodium benzoate	1.5¢ per lb. +15.3% ad val.	7¢ per lb. +65.5% ad val.
409.42	Synthetic tanning materials	3.5¢ per lb. +24.4% ad val.	7¢ per lb. +48.5% ad val.
	Colors, dyes, stains, and related products:		
409.46	Sulfur black, "Colour Index Nos. 53185, 53190, and 53195"	1.5¢ per lb. +14% ad val.	3¢ per lb. +28% ad val.
409.50	Vat blue 1 (synthetic indigo), "Colour Index No. 73000"	1.5¢ per lb. +14.4% ad val.	3¢ per lb. +29% ad val.
409.54	Acid blue 45, 106; Acid yellow 116; Basic blue 3; Basic red 14; Basic yellow 1, 11, 13; Direct blue 86; Direct red 83; Direct yellow 28; Disperse red 4; Fluorescent brightening agent 32; Solvent orange 11; Solvent yellow 25; Vat brown 3; Vat orange 2, 7; and Vat violet 9, 13; all the foregoing obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part	22.6% ad val.	7¢ per lb. +63.5% ad val.
409.58	Acid black 31, 50, 94, 129; Acid blue 54, 127, 129, 143; Acid brown 44, 46, 48, 58, 188, 189; Acid green 40; Acid red 130, 145, 174, 211; Acid violet 19, 31, 41, 48; Acid yellow 2, 75; Basic orange 22; Basic red 13; Direct black 62, 91; Direct blue 92, 106, 108, 109, 160, 172; Direct brown 103, 115, 116; Direct green 5, 29, 31; Direct orange 37; Disperse blue 30; Fluorescent brightening agent 18, 24; Ingrain blue 2; Mordant black 8; Mordant green 47; Mordant red 17, 27;		

	Reactive black 1;		
	Reactive blue 1, 2, 4;		
	Reactive orange 1;		
	Reactive red 1, 2, 3, 5, 6;		
	Reactive yellow 1;		
	Vat blue 2;		
	Vat red 44;		
	Vat solubilized orange 3; and		
	Vat yellow 4, 20;		
	all the foregoing obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part..........	17.7% ad val.	7¢ per lb. +50% ad val.
	Colors, dyes, and stains (except toners), whether soluble or not in water, obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
	Acid dyes:		
409.62	Acid black 61, 63, 76, 83, 117, 127, 131, 132, 139, 164, 170, 183, 194;		
	Acid blue 47, 60, 61, 66, 72, 81, 90, 98, 102, 112, 123, 126, 127:1, 130, 133, 140, 142, 147, 151, 172, 182, 185, 193, 204, 205, 208, 209, 221, 225, 229, 239, 242, 247, 250, 254, 260, 261, 264, 266, 268, 288, 290, 296, 317;		
	Acid brown 10, 11, 30, 33, 45, 50, 68, 83, 100, 101, 103, 104, 105, 106, 126, 127, 147, 158, 160, 161, 162, 163, 165, 180, 191, 195, 224, 226, 227, 235, 237, 239, 248, 266, 267, 270, 276, 282, 283, 289, 290, 291, 298, 304, 311, 314, 315, 321, 322, 324, 325, 330, 331, 355, 358, 359, 360, 361, 362;		
	Acid green 26, 28, 41, 43, 60, 68, 70, 71, 73, 80, 82, 84, 92, 93, 94, 108;		
	Acid orange 3, 19, 28, 33, 43, 47, 61, 86, 89, 94, 102, 126, 142;		
	Acid red 37, 42, 48, 57, 58, 92, 111, 118, 127, 131, 138, 143, 155, 161, 199, 216, 226, 227, 228, 249, 252, 257, 259, 260, 261, 263, 274, 281, 282, 283, 301, 303, 310, 315, 331, 332, 336, 357, 361, 362, 392;		
	Acid violet 9, 34, 36, 47, 66, 75, 80, 90, 103, 109, 111, 121;		
	Acid yellow 7, 64, 96, 111, 127, 136, 155, 167, 183, 184, 194, 218, 223;		
	Copper phthalocyanine - 3,3′,4,4′ - tetrasulfonic acid; and		
	Copper phthalocyanine - 4,4′,4″,4‴ - tetrasulfonic acid..........	23% ad val.	7¢ per lb. +52% ad val.
409.66	Other..........	30.7% ad val.	7¢ per lb. +69.5% ad val.
	Basic dyes:		
409.70	Basic black 7;		
	Basic blue 41, 45, 48, 55, 62, 66, 71, 78, 80, 81, 141;		
	Basic green 6, 8;		
	Basic orange 30, 35, 36, 37, 43, 44;		

	Basic red 23, 28, 29, 43, 44, 46, 56, 100; Basic violet 2, 22, 25, 37, 38; and Basic yellow 19, 23, 24, 25, 39, 40, 45, 54, 56, 63, 70	22.6% ad val.	7¢ per lb. +51% ad val.
409.74	Other	30.9% ad val.	7¢ per lb. +70% ad val.
	Direct dyes:		
409.78	Direct black 51, 69, 112, 118, 122; Direct blue 74, 77, 90, 137, 156, 158, 158:1, 207, 211, 225, 244, 267; Direct brown 97, 113, 157, 169, 170, 200, 212, 214; Direct green 33, 59, 67, 68; Direct orange 17, 60, 105, 106, 107, 118; Direct red 9, 89, 92, 95, 111, 127, 173, 207; Direct violet 47, 93; and Direct yellow 29, 68, 93, 95, 96, 98, 109, 110, 133	23.8% ad val.	7¢ per lb. +53.5% ad val.
409.82	Other	28.6% ad val.	7¢ per lb. +64.5% ad val.
	Disperse dyes:		
409.86	Disperse blue 19, 26, 55, 56, 58, 72, 79, 83, 84, 93, 95, 122, 125, 128, 154, 165, 180, 183, 185, 200, 284, 285, 288, 295, 296; Disperse brown 19; Disperse green 9; Disperse orange 7, 13, 20, 31, 47, 48, 56, 63, 70, 80, 96, 127, 137; Disperse red 44, 72, 73, 90, 93, 107, 118, 121, 122, 131, 133, 134, 151, 184, 202, 203, 224, 278, 282, 310; Disperse violet 23, 63; and Disperse yellow 13, 63, 65, 82, 91, 107, 119, 122, 124, 126, 139, 184	22.5% ad val.	7¢ per lb. +51% ad val.
409.90	Other	27.8% ad val.	7¢ per lb. +62.5% ad val.
409.94	Fluorescent brighteners	19% ad val.	7¢ per lb. +43% ad val.
	Solvent dyes:		
409.96	Solvent black 2, 3, 27, 28, 34; Solvent blue 49, 51, 53, 67, 97; Solvent brown 1, 28, 42, 44; Solvent green 4, 5, 7, 19, 26, 213; Solvent orange 45, 54, 63, 67; Solvent red 18, 19, 23, 27, 35, 92, 110, 118, 119, 124, 125, 130, 131, 132, 160; Solvent violet 2, 23; and Solvent yellow 1, 32, 48, 64, 89, 93, 98, 160	19.9% ad val.	7¢ per lb. +45% ad val.

410.00	Other	28% ad val.	7¢ per lb. +63% ad val.
	Reactive dyes:		
410.04	Reactive black 4, 10, 13, 21, 23, 26, 34, 35, 41; Reactive blue 7, 8, 10, 13, 18, 22, 23, 24, 26, 29, 34, 39, 40, 41, 42, 43, 44, 50, 51, 52, 65, 66, 67, 69, 74, 75, 77, 78, 79, 82, 94, 103, 104, 114, 116, 118, 136, 140, 156, 157, 160; Reactive brown 2, 5, 12, 18, 19, 23; Reactive green 5, 6, 8, 12, 15, 16; Reactive orange 5, 9, 10, 11, 15, 20, 29, 33, 34, 35, 42, 44, 45, 62, 64, 67, 69, 70, 71, 82, 84; Reactive red 4, 7, 8, 12, 13, 16, 17, 19, 21, 29, 40, 42, 45, 55, 56, 66, 78, 82, 83, 84, 86, 89, 104, 116, 119, 121, 122, 123, 124, 132, 134, 151, 152, 159; Reactive violet 3, 12, 23, 24; and Reactive yellow 4, 6, 11, 12, 15, 25, 27, 29, 35, 41, 52, 57, 58, 64, 81, 82, 85, 87, 110	20.5% ad val.	7¢ per lb. +46.5% ad val.
410.08	Other	27.8% ad val.	7¢ per lb. +62.5% ad val.
	Vat dyes:		
410.12	Solubilized vat blue 5; Solubilized vat orange 1; Solubilized vat yellow 7, 45, 47; Vat black 19, 30, 31; Vat blue 19, 21, 66; Vat brown 33, 57; Vat green 28, 48; Vat orange 5, 13; Vat red 15, 41; and Vat yellow 46	20.9% ad val.	7¢ per lb. +47.5% ad val.
410.16	Other	32.9% ad val.	7¢ per lb. +74.5% ad val.
410.20	Other	21.9% ad val.	7¢ per lb. +49.5% ad val.
410.24	Natural alizarin and natural indigo; colors, dyes, and stains (except toners), whether soluble or not in water, obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo; color acids, color bases, indoxyl, indoxyl compounds, and leuco-compounds (whether colorless or not), obtained, derived, or manufactured in whole or in part from natural alizarin, natural indigo, or any product provided for in subpart A or B of this part	2.8¢ per lb. +28% ad val.	7¢ per lb. +70% ad val.
	Color lakes and toners, obtained, derived, or manufactured in whole or in part from natural alizarin, natural indigo, or any product provided for in subpart A or B of this part:		

410.28	Pigment black 1; Pigment blue 16, 18; Pigment brown 22, 23, 25; Pigment green 8; Pigment orange 31, 34, 36, 51; Pigment red 9, 14, 34, 48:3, 52, 112, 139, 144, 146, 151, 166, 169, 170, 171, 175, 176, 177, 178, 180, 185, 188, 192, 199, 208, 209, 220, 221; and Pigment yellow 49, 81, 97, 101, 109, 110, 117, 127	20.4% ad val.	7¢ per lb. +46% ad val.
410.32	Other	31.3% ad val.	7¢ per lb. +70.5% ad val.
410.36	Fast color bases	1.7¢ per lb. +13.3% ad val.	7¢ per lb. +53% ad val.
410.40	Fast color salts	1.7¢ per lb. +13.6% ad val.	7¢ per lb. +54.5% ad val.
410.44	Naphthol AS and derivatives	1.7¢ per lb. +15% ad val.	7¢ per lb. +60% ad val.
	Products suitable for medicinal use, and drugs:		
	Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
	Products suitable for medicinal use:		
410.48	Acetanilide	1.7¢ per lb. +25% ad val.	7¢ per lb. +45% ad val.
410.52	Benzaldehyde	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
410.56	Benzoic acid	1.7¢ per lb. +19.2% ad val.	7¢ per lb. +69.5% ad val.
410.60	2 - Naphthol (Beta - naphthol)	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
410.64	Resorcinol	1.7¢ per lb. +9.4% ad val.	7¢ per lb. +34% ad val.
410.66	Salicylic acid and its salts	1.7¢ per lb. +20% ad val.	7¢ per lb. +72% ad val.
	Drugs:		
410.68	Acetphenetidine (Phenacetin)	1.4¢ per lb. +12.1% ad val.	7¢ per lb. +54.5% ad val.
410.72	Acetylsalicylic acid (Aspirin)	1.7¢ per lb. +22.7% ad val.	7¢ per lb. +82% ad val.
410.76	Antipyrine	1.7¢ per lb. +13.7% ad val.	7¢ per lb. +49.5% ad val.
410.90	5 - Chloro - 7 - iodo - 8 - quinolinol (Iodochlorhydroxyquin) and 2 - [1 - (p - chlorophenyl) - 3 - dimethyl - aminopropyl]pyridine maleate		

	(Chlorpheniramine maleate)	1.4¢ per lb. +16.3% ad val.	7¢ per lb. +73.5% ad val.
410.84	Diethylaminoacetoxylidide (Lidocaine)	1.7¢ per lb. +24.8% ad val.	7¢ per lb. +101.5% ad val.
410.88	5 - Ethyl - 5 - phenylhexahydro- pyrimidine - 4,6 - dione (Primidone)	1.2¢ per lb. +8.5% ad val.	7¢ per lb. +45% ad val.
	Hydantoin derivatives:		
410.92	Methylphenethylhydantoin (Mephenytoin)	1.4¢ per lb. +12.6% ad val.	7¢ per lb. +63% ad val.
410.96	Other	1.4¢ per lb. +12.6% ad val.	7¢ per lb. +63% ad val.
	Imidazoline derivatives:		
411.00	2 - Benzyl - 4,5 - imidazoline hydrochloride (Tolazoline hydrochloride)	1.4¢ per lb. +11.7% ad val.	7¢ per lb. +58.5% ad val.
411.04	Phenylbenzylaminoethylimidazoline hydrochloride	1.4¢ per lb. +10.2% ad val.	7¢ per lb. +51% ad val.
411.08	Other	1.4¢ per lb. +10.2% ad val.	7¢ per lb. +51% ad val.
411.12	Phenolphthalein	1.7¢ per lb. +14.8% ad val.	7¢ per lb. +53% ad val.
411.16	Phenylephrine hydrochloride	1.4¢ per lb. +13% ad val.	7¢ per lb. +58.5% ad val.
411.20	Salol (Phenyl salicylate)	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
411.24	Sulfamethazine	1.4¢ per lb. +17.8% ad val.	7¢ per lb. +80% ad val.
411.28	Sulfadiazine, sulfaguanidine, sulfamerazine, sulfapyridine, and salicylazosulfapyridine (Sulfasalazine)	1.4¢ per lb. +28.5% ad val.	7¢ per lb. +128.5% ad val.
	Other:		
	Alkaloids and their salts and other derivatives:		
411.32	Ephedrine, pseudoephedrine, racephedrine, and their salts	1.7¢ per lb. +16.4% ad val.	7¢ per lb. +59% ad val.
	Papaverine and its salts:		
411.36	Ethaverine hydrochloride	1.7¢ per lb. +13.5% ad val.	7¢ per lb. +48.5% ad val.
411.40	Other	1.7¢ per lb. +28.9% ad val.	7¢ per lb. +104% ad val.

	Other:		
411.44	Arecoline, hydrobromide; Deserpidine; Ergonovine maleate; Lobeline sulfate; Meperidine hydrochloride; Nicotinyl alcohol tartrate; and Quinacrine hydrochloride	1.7¢ per lb. +13.9% ad val.	7¢ per lb. +50% ad val.
411.48	Other	1.7¢ per lb. +24.5% ad val.	7¢ per lb. +88% ad val.
	Antihistamines, including those chiefly used as antinauseants:		
411.52	Diphenhydramine; Promethazine hydrochloride; and Triprolidine hydrochloride	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
411.56	Other	1.7¢ per lb. +22.8% ad val.	7¢ per lb. +82% ad val.
	Anti-infective agents:		
	Antibiotics:		
411.60	Ampicillin and its salts	1.7¢ per lb. +13.5% ad val.	7¢ per lb. +48.5% ad val.
411.64	Penicillin G salts	1.7¢ per lb. +13.6% ad val.	7¢ per lb. +49% ad val.
	Penicillin, not specially provided for:		
411.68	Carfecillin, sodium; Cloxacillin, sodium; Dicloxacillin, sodium; Flucloxacillin (Floxacillin); and Oxacillin, sodium	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
411.72	Other	1.7¢ per lb. +15.7% ad val.	7¢ per lb. +56.5% ad val.
411.76	Other	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
	Anti-infective sulfonamides:		
411.80	Sulfathiazole and sulfathiazole sodium	1.7¢ per lb. +36.9% ad val.	7¢ per lb. +133% ad val.
411.84	Other	1.7¢ per lb. +26.6% ad val.	7¢ per lb. +96% ad val.
	Anti-infective agents, not specially provided for:		
411.90	Acriflavine;		

	Acriflavine hydrochloride;		
	Bunamidine hydrochloride;		
	Carbadox;		
	Clopidol;		
	Crotamiton;		
	Decoquinate;		
	Diiodohydroxyquin;		
	Ethionamide;		
	Nicarbazin;		
	Niclosamide;		
	Oxyquinoline sulfate;		
	Pentamidine;		
	Phenylmercuric nitrate;		
	Pyrazinamide;		
	Stibophen;		
	Thimerosal;		
	Thymol iodide;		
	Tolnaftate; and		
	Trimethoprim	1.7¢ per lb. + 12.8% ad val.	7¢ per lb. + 46% ad val.
411.94	Other	1.7¢ per lb. + 18.7% ad val.	7¢ per lb. + 67.5% ad val.
	Autonomic drugs, except alkaloids and their derivatives:		
411.98	Cromolyn, sodium;		
	Furosemide;		
	Glipizide;		
	Isoetharine hydrochloride;		
	Isoxsuprine hydrochloride;		
	Nylidrin hydrochloride;		
	Procyclidine;		
	Salbutamol (Albuterol); and		
	Terbutaline sulfate	1.7¢ per lb. + 13% ad val.	7¢ per lb. + 47% ad val.
412.02	Other	1.7¢ per lb. + 19.9% ad val.	7¢ per lb. + 71.5% ad val.
	Cardiovascular drugs, except alkaloids and their derivatives:		
412.06	Hydralazine hydrochloride;		
	Sulfinpyrazone; and		
	Warfarin, sodium	1.7¢ per lb. + 13.1% ad val.	7¢ per lb. + 47.5% ad val.
412.10	Other	1.7¢ per lb. + 18% ad val.	7¢ per lb. + 65% ad val.
412.14	Dermatological agents and local anesthetics	1.7¢ per lb. + 14.3% ad val.	7¢ per lb. + 51.5% ad val.
	Drugs primarily affecting the central nervous system, except alkaloids and their derivatives:		

	Analgesics, antipyretics, and nonhormonal anti-inflammatory agents:		
412.18	Propoxyphene hydrochloride	1.7¢ per lb. +33.3% ad val.	7¢ per lb. +119.5% ad val.
412.22	Other	1.7¢ per lb. +13.3% ad val.	7¢ per lb. +47.5% ad val.
412.26	Anticonvulsants, hypnotics, and sedatives	1.7¢ per lb. +13.5% ad val.	7¢ per lb. +48.5% ad val.
	Antidepressants, tranquilizers, and other psychotherapeutic agents:		
412.30	Amitriptyline; Butaperazine maleate; Clozapine; Droperidol; Fluphenazine decanoate; Fluphenazine enanthate; Imipramine hydrochloride; Mesoridazine besylate; Piperacetazine; Prochlorperazine maleate; Promazine hydrochloride; and Trifluoperazine hydrochloride	1.7¢ per lb. +12.6% ad val.	7¢ per lb. +45.5% ad val.
412.34	Other	1.7¢ per lb. +41.5% ad val.	7¢ per lb. +149.5% ad val.
412.38	Other	1.7¢ per lb. +16.3% ad val.	7¢ per lb. +58.5% ad val.
	Hormones, synthetic substitutes, and antagonists:		
412.42	Desonide; Dienestrol; Epinephrine; Epinephrine hydrochloride; Estradiol benzoate; Estradiol cyclopentylpropionate (Estriadol cypionate); Nandrolone phenpropionate; and L-Thyroxine (Levothyroxine) sodium	1.7¢ per lb. +13.6% ad val.	7¢ per lb. +49% ad val.
412.48	Other	1.7¢ per lb. +21.7% ad val.	7¢ per lb. +78.5% ad val.
	Vitamins, provitamins, and their analogs and derivatives used primarily for their vitamin activity:		
412.52	Vitamin B_2 (Riboflavin and its		

	salts and esters)	1.7¢ per lb. +17.3% ad val.	7¢ per lb. +62% ad val.
412.56	Vitamin B_{12} (Cyanocobalamin and related compounds with vitamin B_{12} activity)	1.7¢ per lb. +40.4% ad val.	7¢ per lb. +145.5% ad val.
412.60	Vitamin E (dl-α-Tocopherol and its esters)	1.7¢ per lb. +17.6% ad val.	7¢ per lb. +63.5% ad val.
412.64	Other	1.7¢ per lb. +13.6% ad val.	7¢ per lb. +49% ad val.
412.68	Other	1.7¢ per lb. +13.6% ad val.	7¢ per lb. +45% ad val.
	Drugs, from whatever source obtained, produced or manufactured:		
412.72	Guaiacol and its derivatives	1.7¢ per lb. +21.9% ad val.	7¢ per lb. +79% ad val.
	Aromatic or odoriferous compounds including flavors, not marketable as cosmetics, perfumery, or toilet preparations, and not mixed, and not containing alcohol:		
	Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
412.76	p-Anisaldehyde	3.5¢ per lb. +18.1% ad val.	7¢ per lb. +36% ad val.
412.80	Benzyl acetate	3.5¢ per lb. +52.1% ad val.	7¢ per lb. +104.5% ad val.
412.84	Benzyl benzoate	3.5¢ per lb. +42.1% ad val.	7¢ per lb. +84% ad val.
412.88	Diphenyl oxide	3.5¢ per lb. +21.1% ad val.	7¢ per lb. +42.5% ad val.
412.92	Ethyl vanillin	3.5¢ per lb. +40.1% ad val.	7¢ per lb. +80% ad val.
412.96	Heliotropin	1.7¢ per lb. +13.8% ad val.	7¢ per lb. +56.5% ad val.
413.00	Methyl anthranilate	3.5¢ per lb. +11.2% ad val.	7¢ per lb. +22.5% ad val.
413.04	α-Methylbenzyl alcohol	3.5¢ per lb. +25.4% ad val.	7¢ per lb. +51% ad val.
413.08	Musk, artificial	2.8¢ per lb. +11.4% ad val.	7¢ per lb. +57% ad val.
413.12	α-Pentylcinnamaldehyde	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
413.16	Phenylacetaldehyde	3.5¢ per lb. +20.2% ad val.	7¢ per lb. +40.5% ad val.

413.20	Phenethyl alcohol	3.5¢ per lb. +38.5% ad val.	7¢ per lb. +77% ad val.
413.24	Saccharin	1.5¢ per lb. +12.9% ad val.	7¢ per lb. +61% ad val.
413.28	Other	3.5¢ per lb. +29% ad val.	7¢ per lb. +58% ad val.
	From whatever source obtained, derived, or manufactured:		
413.32	Coumarin	3.5¢ per lb. +24.1% ad val.	7¢ per lb. +48% ad val.
413.36	Methyl salicylate	3.5¢ per lb. +34.2% ad val.	7¢ per lb. +68.5% ad val.
413.40	Vanillin	1.5¢ per lb. +10.2% ad val.	7¢ per lb. +48% ad val.
	Mixtures in whole or in part of any of the products provided for in this subpart:		
413.50	Paints and enamel paints, stains, and varnishes	3.5¢ per lb. +23% ad val.	7¢ per lb. +46% ad val.
413.51	Other	3.5¢ per lb. +23% ad val., but not less than the highest rate applicable to any component material.	7¢ per lb. +46% ad val., but not less than the highest rate applicable to any component material. ".

SEC. 224. TREATMENT OF CONVERTED RATES AS EXISTING RATES FOR PURPOSES OF TRADE AGREEMENT AUTHORITY.

For purposes of sections 101 and 601(7) of the Trade Act of 1974 (19 U.S.C. 2111 and 2481(7)), the rates of duty appearing in rate column numbered 1 of the amendments, if any, made under this subtitle shall be considered to be the rates of duty existing or in effect on January 1, 1975. 19 USC 2111 note.

SEC. 225. MODIFICATION OF TARIFF TREATMENT OF CERTAIN CHEMICALS AND CHEMICAL PRODUCTS.

The President may proclaim a modification of the article descriptions in subparts B and C of part 1 of schedule 4 (as amended by section 223(d)) in order to transfer from any item within those subparts to any other item within those subparts (taking into account proper chemical nomenclature and customs classification principles) any individual chemicals or products with respect to which a negotiating partner in the Tokyo Round of the Multilateral Trade Negotiations submitted notice, before July 31, 1979, to the United States that the rate of duty in such subpart for such chemicals or products that would apply but for this section is, based on past import data for the chemical or product, inappropriate and non-representative; but the President may not make a modification under this section with respect to any such chemical or product unless the United States International Trade Commission determines before January 1, 1980, that— 19 USC 1202 note.

(1) the chemical or product was not valued for customs purposes on the basis of American selling price upon entry into the United States during a period determined by the Commission to be representative, and

(2) a rate of duty provided for in such subparts, other than the rate of duty that would apply but for this section, is more appropriate and representative for such chemical or product.

TITLE III—GOVERNMENT PROCUREMENT

SEC. 301. GENERAL AUTHORITY TO MODIFY DISCRIMINATORY PURCHASING REQUIREMENTS.

19 USC 2511.

(a) Presidential Waiver of Discriminatory Purchasing Requirements.—The President may waive, in whole or in part, with respect to eligible products of any foreign country or instrumentality designated under subsection (b), and suppliers of such products, the application of any law, regulation, procedure, or practice regarding Government procurement that would, if applied to such products and suppliers, result in treatment less favorable than that accorded—

(1) to United States products and suppliers of such products; or

(2) to eligible products of another foreign country or instrumentality which is a party to the Agreement and suppliers of such products.

(b) Designation of Eligible Countries and Instrumentalities.—The President may designate a foreign country or instrumentality for purposes of subsection (a) only if he determines that such country or instrumentality—

(1) is a country or instrumentality which (A) has become a party to the Agreement, and (B) will provide appropriate reciprocal competitive government procurement opportunities to United States products and suppliers of such products;

(2) is a country or instrumentality, other than a major industrial country, which (A) will otherwise assume the obligations of the Agreement, and (B) will provide such opportunities to such products and suppliers;

(3) is a country or instrumentality, other than a major industrial country, which will provide such opportunities to such products and suppliers; or

(4) is a least developed country.

(c) Modification or Withdrawal of Waivers and Designations.—The President may modify or withdraw any waiver granted pursuant to subsection (a) or designation made pursuant to subsection (b).

SEC. 302. AUTHORITY TO ENCOURAGE RECIPROCAL COMPETITIVE PROCUREMENT PRACTICES.

19 USC 2512.

(a) Authority to Bar Procurement from Non-Designated Countries.—With respect to procurement covered by the Agreement, the President, in order to encourage additional countries to become parties to the Agreement and to provide appropriate reciprocal competitive government procurement opportunities to United States products and suppliers of such products—

(1) shall prohibit the procurement, after the date on which any waiver under section 301(a) first takes effect, of products (A) which are products of a foreign country or instrumentality which is not designated pursuant to section 301(b), and (B) which would otherwise be eligible products; and

(2) may take such other actions within his authority as he deems necessary.

(b) DEFERRALS AND WAIVERS.—Notwithstanding subsection (a), but in furtherance of the objective of encouraging countries to become parties to the Agreement and provide appropriate reciprocal competitive government procurement opportunities to United States products and suppliers of such products, the President may—

(1) delay, for a period not to exceed two years, the prohibition of procurement, required pursuant to subsection (a)(1), of products of a foreign country or instrumentality which is not designated pursuant to section 301(b), except that no such delay shall be granted with respect to the procurement of products of any major industrial country;

(2) authorize agency heads to waive, subject to interagency review and general policy guidance by the organization established under section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)), such prohibition on a case-by-case basis when in the national interest; and

(3) authorize the Secretary of Defense to waive, subject to interagency review and policy guidance by the organization established under section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)), such prohibition for products of any country or instrumentality which enters into a reciprocal procurement agreement with the Department of Defense.

(c) REPORT ON IMPACT OF RESTRICTIONS.—

(1) IMPACT ON THE ECONOMY.—On or before July 1, 1981, the President shall report to the Committee on Ways and Means and the Committee on Government Operations of the House of Representatives and to the Committee on Finance and the Committee on Governmental Affairs of the Senate on the effects on the United States economy (including effects on employment, production, competition, costs and prices, technological development, export trade, balance of payments, inflation, and the Federal budget) of the refusal of developed countries to allow the Agreement to cover the entities of the governments of such countries which are the principal purchasers of goods and equipment in appropriate product sectors.

(2) RECOMMENDATIONS FOR ATTAINING RECIPROCITY.—The report required by paragraph (1) shall include an evaluation of alternative means to obtain equity and reciprocity in such product sectors, including (A) prohibiting the procurement of products of such countries by United States entities not covered by the Agreement, and (B) modifying the application of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), commonly referred to as the Buy American Act. The report shall include an analysis of the effect of such alternative means on the United States economy (including effects on employment, production, competition, costs and prices, technological development, export trade, balance of payments, inflation, and the Federal budget), and on successful negotiations on the expansion of the coverage of the Agreement pursuant to section 304 (a) and (b), other trade negotiating objectives, the relationship of the Federal Government to State and local governments, and such other factors as the President deems appropriate.

(3) CONSULTATION.—In the preparation of the report required by paragraph (1) and the evaluation and analysis required by paragraph (2), the President shall consult with representatives of the public, industry, and labor, and make available pertinent, nonconfidential information obtained in the course of such

preparation to the advisory committees established pursuant to section 135 of the Trade Act of 1974. 19 USC 2155.

(d) PROPOSED ACTION.—

(1) PRESIDENTIAL REPORT.—On or before October 1, 1981, the President shall prepare and transmit to the congressional committees referred to in subsection (c)(1) a report which describes the actions he deems appropriate to establish reciprocity with major industrialized countries in the area of Government procurement.

(2) PROCEDURE.—

(A) PRESIDENTIAL DETERMINATION.—If the President determines that any changes in existing law or new statutory authority are required to authorize or to implement any action proposed in the report submitted under paragraph (1), he shall, on or after January 1, 1982, submit to the Congress a bill to accomplish such changes or provide such new statutory authority. Prior to submitting such a bill, the President shall consult with the appropriate committees of the Congress having jurisdiction over legislation involving subject matters which would be affected by such action, and shall submit to such committees a proposed draft of such bill.

(B) CONGRESSIONAL CONSIDERATION.—The appropriate committee of each House of the Congress shall give a bill submitted pursuant to subparagraph (A) prompt consideration and shall make its best efforts to take final committee action on such bill in an expeditious manner.

SEC. 303. WAIVER OF DISCRIMINATORY PURCHASING REQUIREMENTS WITH RESPECT TO PURCHASES OF CIVIL AIRCRAFT.

19 USC 2513. The President may waive the application of the provisions of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), popularly referred to as the Buy American Act, in the case of any procurement of civil aircraft and related articles of a country or instrumentality which is a party to the Agreement on Trade in Civil Aircraft. The President may modify or withdraw any waiver granted pursuant to this section.

SEC. 304. EXPANSION OF THE COVERAGE OF THE AGREEMENT.

19 USC 2514. (a) OVERALL NEGOTIATING OBJECTIVE.—The President shall seek in the renegotiations provided for in part IX, paragraph 6, of the Agreement more open and equitable market access abroad, and the harmonization, reduction, or elimination of devices which distort trade or commerce related to Government procurement, with the overall goal of maximizing the economic benefit to the United States through maintaining and enlarging foreign markets for products of United States agriculture, industry, mining, and commerce, the development of fair and equitable market opportunities, and open and nondiscriminatory world trade. In carrying out the provisions of this subsection, the President shall consider the assessment made in the report required under section 306(a).

(b) SECTOR NEGOTIATING OBJECTIVES.—The President shall seek, consistent with the overall objective set forth in subsection (a) and to the maximum extent feasible, with respect to appropriate product sectors, competitive opportunities for the export of United States products to the developed countries of the world equivalent to the competitive opportunities afforded by the United States, taking into account all barriers to, and other distortions of, international trade affecting that sector.

(c) INDEPENDENT VERIFICATION OBJECTIVE.—The President shall seek to establish in the renegotiation provided for in part IX, paragraph 6, of the Agreement a system for independent verification of information provided by parties to the Agreement to the Committee on Government Procurement pursuant to part VI, paragraph 9, of the Agreement.

(d) REPORTS ON NEGOTIATIONS.—

(1) REPORT IN THE EVENT OF INADEQUATE PROGRESS.—If, during the renegotiations of the Agreement, the President at any time determines that the renegotiations are not progressing satisfactorily and are not likely to result, within twelve months of the commencement thereof, in an expansion of the Agreement to cover purchases by the entities of the governments of developed countries which are the principal purchasers of goods and equipment in appropriate product sectors, he shall so report to the congressional committees referred to in section 302(c)(1). Taking into account the objectives set forth in subsections (a) and (b) of this section and the factors required to be analyzed under section 302(c), the President shall further report to such committees appropriate actions to seek reciprocity in such product sectors with such countries in the area of government procurement.

(2) LEGISLATIVE RECOMMENDATIONS.—Taking into account the factors required to be analyzed under section 302(c), the President may recommend to the Congress legislation (with respect to entities of the Government which are not covered by the Agreement) which may prohibit such entities from purchasing products of such countries.

(3) ANNUAL REPORTS.—Each annual report of the President under section 163(a) of the Trade Act of 1974 made after the date of enactment of this Act shall report the actions, if any, the President deemed appropriate to establish reciprocity in appropriate product sectors with major industrial countries in the area of government procurement. 19 USC 2213.

(e) EXTENSION OF NONDISCRIMINATION AND NATIONAL TREATMENT.—Before exercising the waiver authority in section 301 for procurement not covered by the Agreement on the date of enactment of this Act, the President shall follow the consultation provisions of section 135 and chapter 6 of title I of the Trade Act of 1974 for private sector and congressional consultations. 19 USC 2155, 2211.

SEC. 305. MONITORING AND ENFORCEMENT.

(a) MONITORING AND ENFORCEMENT STRUCTURE RECOMMENDATIONS.—In the preparation of the recommendations for the reorganization of trade functions, the President shall ensure that careful consideration is given to monitoring and enforcing the requirements of the Agreement and this title, with particular regard to the tendering procedures required by the Agreement or otherwise agreed to by a country or instrumentality likely to be designated pursuant to section 301(b). 19 USC 2515.

(b) RULES OF ORIGIN.—

(1) ADVISORY RULINGS AND FINAL DETERMINATIONS.—For the purposes of this title, the Secretary of the Treasury shall provide for the prompt issuance of advisory rulings and final determinations on whether, under section 308(4)(B), an article is or would be a product of a foreign country or instrumentality designated pursuant to section 301(b).

(2) **Penalties for fraudulent conduct.**—In addition to any other provisions of law which may be applicable, section 1001 of title 18, United States Code, shall apply to fraudulent conduct with respect to the origin of products for purposes of qualifying for a waiver under section 301 or avoiding a prohibition under section 302.

18 USC 1001.

(c) **Report to Congress on Rules of Origin.**—

(1) **Domestic administrative practices.**—As soon as practicable after the close of the two-year period beginning on the date on which any waiver under section 301(a) first takes effect, the President shall prepare and transmit to Congress a report containing an evaluation of administrative practices under any provision of law which requires determinations to be made of the country of origin of goods, products, commodities, or other articles of commerce. Such evaluation shall be accompanied by the President's recommendations for legislative and executive measures required to improve and simplify and to make more uniform and consistent such practices. Such evaluation and recommendations shall take into account the special problems affecting insular possessions of the United States with respect to such practices.

(2) **Foreign administrative practices.**—The report required under paragraph (1) shall contain an evaluation of the administrative practices under the laws of each major industrial country which require determinations to be made of the country of origin of goods, products, commodities, or other articles of commerce, including an assessment of such practices on the exports of the United States.

SEC. 306. LABOR SURPLUS AREA STUDIES.

19 USC 2516.

(a) **Effect on the Economy.**—Prior to the renegotiations provided for in part IX, paragraph 6, of the Agreement, the President shall prepare and transmit to the Congress a report which assesses the economic impact, including the impact on employment in various regions of the United States, of the waiver of the provisions of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), commonly referred to as the Buy American Act, in the procurement of products produced in labor surplus areas and of the waiver of procurement set-asides for labor surplus areas.

Report to President.

(b) **Effect on Targets.**—On or before July 1, 1981, the President shall prepare and transmit to the Congress a report which assesses the effect of the waiver of the provisions of such title III in the procurement of products produced in labor surplus areas and the waiver of procurement set-asides for labor surplus areas on the fulfillment of the objectives of Executive Order 12073, issued August 16, 1978, relating to the encouragement of procurement in labor surplus areas, including an assessment of such waiver on the procurement targets set by the Administrator of the General Services Administration pursuant to such Executive order. On or before January 1, 1980, the President shall begin consultation with and provide interim reports to the congressional committees referred to in section 302(c)(1) concerning the report required by the preceding sentence.

3 CFR Comp., p. 216.

SEC. 307. AVAILABILITY OF INFORMATION TO CONGRESSIONAL ADVISERS.

19 USC 2517.

The Special Representative for Trade Negotiations shall make available to the Members of Congress designated as official advisers pursuant to section 161 of the Trade Act of 1974 information compiled by the Committee on Government Procurement under part VI, paragraph 9, of the Agreement. 19 USC 2211.

SEC. 308. DEFINITIONS.

As used in this title— 19 USC 2518.

(1) AGREEMENT.—The term "Agreement" means the Agreement on Government Procurement referred to in section 2(c) of this Act, as submitted to the Congress, but including rectifications, modifications, and amendments which are accepted by the United States.

(2) CIVIL AIRCRAFT.—The term "civil aircraft and related articles" means—

(A) all aircraft other than aircraft to be purchased for use by the Department of Defense or the United States Coast Guard;

(B) the engines (and parts and components for incorporation therein) of such aircraft;

(C) any other parts, components, and subassemblies for incorporation in such aircraft; and

(D) any ground flight simulators, and parts and components thereof, for use with respect to such aircraft,

whether to be purchased for use as original or replacement equipment in the manufacture, repair, maintenance, rebuilding, modification, or conversion of such aircraft, and without regard to whether such aircraft or articles receive duty-free treatment pursuant to section 601(a)(2). *Post*, p. 267.

(3) DEVELOPED COUNTRIES.—The term "developed countries" means countries so designated by the President.

(4) ELIGIBLE PRODUCTS.—

(A) IN GENERAL.—The term "eligible product" means, with respect to any foreign country or instrumentality, a product or service of that country or instrumentality which is covered under the Agreement for procurement by the United States.

(B) RULE OF ORIGIN.—An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

(5) INSTRUMENTALITY.—The term "instrumentality" shall not be construed to include an agency or division of the government of a country, but may be construed to include such arrangements as the European Economic Community.

(6) LEAST DEVELOPED COUNTRY.—The term "least developed country" means any country on the United Nations General Assembly list of least developed countries.

(7) MAJOR INDUSTRIAL COUNTRY.—The term "major industrial country" means any such country as defined in section 126 of the Trade Act of 1974 and any instrumentality of such a country. 19 USC 2136.

SEC. 309. EFFECTIVE DATES.

The provisions of this title shall be effective on the date of enactment of this Act, except that— 19 USC 2511 note.

(1) the authority of the President to grant waivers under section 303 shall be effective on January 1, 1980; and

(2) the authority of the President to grant waivers under section 301 shall be effective on January 1, 1981.

TITLE IV—TECHNICAL BARRIERS TO TRADE (STANDARDS)

Subtitle A—Obligations of the United States

SEC. 401. CERTAIN STANDARDS-RELATED ACTIVITIES.

19 USC 2531.

Nothing in this title may be construed as prohibiting any private person, Federal agency, or State agency from engaging in standards-related activities that do not create unnecessary obstacles to the foreign commerce of the United States. No standards-related activity of any private person, Federal agency, or State agency shall be deemed to constitute an unnecessary obstacle to the foreign commerce of the United States if the demonstrable purpose of the standards-related activity is to achieve a legitimate domestic objective including, but not limited to, the protection of legitimate health or safety, essential security, environmental, or consumer interests and if such activity does not operate to exclude imported products which fully meet the objectives of such activity.

SEC. 402. FEDERAL STANDARDS-RELATED ACTIVITIES.

19 USC 2532.

No Federal agency may engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States, including, but not limited to, standards-related activities that violate any of the following requirements:

(1) NONDISCRIMINATORY TREATMENT.—Each Federal agency shall ensure, in applying standards-related activities with respect to any imported product, that such product is treated no less favorably than are like domestic or imported products, including, but not limited to, when applying tests or test methods, no less favorable treatment with respect to—

(A) the acceptance of the product for testing in comparable situations;

(B) the administration of the tests in comparable situations;

(C) the fees charged for tests;

(D) the release of test results to the exporter, importer, or agents;

(E) the siting of testing facilities and the selection of samples for testing; and

(F) the treatment of confidential information pertaining to the product.

(2) USE OF INTERNATIONAL STANDARDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B)(ii), each Federal agency, in developing standards, shall take into consideration international standards and shall, if appropriate, base the standards on international standards.

(B) APPLICATION OF REQUIREMENT.—For purposes of this paragraph, the following apply:

(i) INTERNATIONAL STANDARDS NOT APPROPRIATE.—The reasons for which the basing of a standard on an international standard may not be appropriate include, but are not limited to, the following:

(I) National security requirements.

(II) The prevention of deceptive practices.

(III) The protection of human health or safety, animal or plant life or health, or the environment.

(IV) Fundamental climatic or other geographical factors.

(V) Fundamental technological problems.

(ii) REGIONAL STANDARDS.—In developing standards, a Federal agency may, but is not required to, take into consideration any international standard promulgated by an international standards organization the membership of which is described in section 451(6)(A)(ii).

(3) PERFORMANCE CRITERIA.—Each Federal agency shall, if appropriate, develop standards based on performance criteria, such as those relating to the intended use of a product and the level of performance that the product must achieve under defined conditions, rather than on design criteria, such as those relating to the physical form of the product or the types of material of which the product is made.

(4) CERTIFICATION ACCESS FOR FOREIGN SUPPLIERS.—Each Federal agency shall, with respect to any certification system used by it, permit access for obtaining certification under that system to foreign suppliers of a product on the same basis as access is permitted to suppliers of like products, whether of domestic or other foreign origin.

SEC. 403. STATE AND PRIVATE STANDARDS-RELATED ACTIVITIES.

(a) IN GENERAL.—It is the sense of the Congress that no State agency and no private person should engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States. 19 USC 2533.

(b) PRESIDENTIAL ACTION.—The President shall take such reasonable measures as may be available to promote the observance by State agencies and private persons, in carrying out standards-related activities, of requirements equivalent to those imposed on Federal agencies under section 402, and of procedures that provide for notification, participation, and publication with respect to such activities.

Subtitle B—Functions of Federal Agencies

SEC. 411. FUNCTIONS OF SPECIAL REPRESENTATIVE.

(a) IN GENERAL.—The Special Representative shall coordinate the consideration of international trade policy issues that arise as a result of, and shall develop international trade policy as it relates to, the implementation of this title. 19 USC 2541.

(b) NEGOTIATING FUNCTIONS.—The Special Representative has responsibility for coordinating United States discussions and negotiations with foreign countries for the purpose of establishing mutual arrangements with respect to standards-related activities. In carrying out this responsibility, the Special Representative shall inform and consult with any Federal agency having expertise in the matters under discussion and negotiation.

(c) CROSS REFERENCE.—

For provisions of law regarding general authority of the Special Representatives with respect to trade agreements, see section 141 of the Trade Act of 1974 (19 U.S.C. 2171).

SEC. 412. ESTABLISHMENT AND OPERATION OF TECHNICAL OFFICES.

19 USC 2542.

(a) ESTABLISHMENT.—

(1) FOR NONAGRICULTURAL PRODUCTS.—The Secretary of Commerce shall establish and maintain within the Department of Commerce a technical office that shall carry out the functions prescribed under subsection (b) with respect to nonagricultural products.

(2) FOR AGRICULTURAL PRODUCTS.—The Secretary of Agriculture shall establish and maintain within the Department of Agriculture a technical office that shall carry out the functions prescribed under subsection (b) with respect to agricultural products.

(b) FUNCTIONS OF OFFICES.—The President shall prescribe for each technical office established under subsection (a) such functions as the President deems necessary or appropriate to implement this title.

SEC. 413. REPRESENTATION OF UNITED STATES INTERESTS BEFORE INTERNATIONAL STANDARDS ORGANIZATIONS.

19 USC 2543.

(a) OVERSIGHT AND CONSULTATION.—The Secretary concerned shall—

(1) inform, and consult and coordinate with, the Special Representative with respect to international standards-related activities identified under paragraph (2);

(2) keep adequately informed regarding international standards-related activities and identify those that may substantially affect the commerce of the United States; and

(3) carry out such functions as are required under subsections (b) and (c).

(b) REPRESENTATION OF UNITED STATES INTERESTS BY PRIVATE PERSONS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) ORGANIZATION MEMBER.—The term "organization member" means the private person who holds membership in a private international standards organization.

(B) PRIVATE INTERNATIONAL STANDARDS ORGANIZATION.—The term "private international standards organization" means any international standards organization before which the interests of the United States are represented by a private person who is officially recognized by that organization for such purpose.

(2) IN GENERAL.—Except as otherwise provided for in this subsection, the representation of United States interests before any private international standards organization shall be carried out by the organization member.

(3) INADEQUATE REPRESENTATION.—If the Secretary concerned, after inquiry instituted on his own motion or at the request of any private person, Federal agency, or State agency having an interest therein, has reason to believe that the participation by the organization member in the proceedings of a private international standards organization will not result in the adequate representation of United States interests that are, or may be, affected by the activities of such organization (particularly with regard to the potential impact of any such activity on the international trade of the United States), the Secretary concerned shall immediately notify the organization member con-

cerned. During any such inquiry, the Secretary concerned may solicit and consider the advice of the appropriate representatives referred to in section 417.

(4) ACTION BY ORGANIZATION MEMBER.—If within the 90-day period after the date on which notification is received under paragraph (3) (or such shorter period as the Secretary concerned determines to be necessary in extraordinary circumstances), the organization member demonstrates to the Secretary concerned its willingness and ability to represent adequately United States interests before the private international standards organization, the Secretary concerned shall take no further action under this subsection.

(5) ACTION BY SECRETARY CONCERNED.—If—

(A) within the appropriate period referred to in paragraph (4), the organization member does not respond to the Secretary concerned with respect to the notification, or does respond but does not demonstrate to the Secretary concerned the requisite willingness and ability to represent adequately United States interests; or

(B) there is no organization member of the private international standards organization;

the Secretary concerned shall make appropriate arrangements to provide for the adequate representation of United States interests. In cases where subparagraph (A) applies, such provision shall be made by the Secretary concerned through the appropriate organization member if the private international standards organization involved requires representation by that member.

(c) REPRESENTATION OF UNITED STATES INTERESTS BY FEDERAL AGENCIES.—With respect to any international standards organization before which the interests of the United States are represented by one or more Federal agencies that are officially recognized by that organization for such purpose, the Secretary concerned shall—

(1) encourage cooperation among interested Federal agencies with a view toward facilitating the development of a uniform position with respect to the technical activities with which the organization is concerned;

(2) encourage such Federal agencies to seek information from, and to cooperate with, the affected domestic interests when undertaking such representation; and

(3) not preempt the responsibilities of any Federal agency that has jurisdiction with respect to the activities undertaken by such organization, unless requested to do so by such agency.

SEC. 414. STANDARDS INFORMATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Commerce shall maintain within the Department of Commerce a standards information center. 19 USC 2544.

(b) FUNCTIONS.—The standards information center shall—

(1) serve as the central national collection facility for information relating to standards, certification systems, and standards-related activities, whether such standards, systems, or activities are public or private, domestic or foreign, or international, regional, national, or local;

(2) make available to the public at such reasonable fee as the Secretary shall prescribe, copies of information required to be collected under paragraph (1) other than information to which paragraph (3) applies;

(3) use its best efforts to make available to the public, at such reasonable fees as the Secretary shall prescribe, copies of information required to be collected under paragraph (1) that is of private origin, on a cooperative basis with the private individual or entity, foreign or domestic, who holds the copyright on the information;

(4) in case of such information that is of foreign origin, provide, at such reasonable fee as the Secretary shall prescribe, such translation services as may be necessary;

(5) serve as the inquiry point for requests for information regarding standards-related activities, whether adopted or proposed, within the United States, except that in carrying out this paragraph, the Secretary of Commerce shall refer all inquiries regarding agricultural products to the technical office established under section 412(a)(2) within the Department of Agriculture; and

(6) provide such other services as may be appropriate, including but not limited to, such services to the technical offices established under section 412 as may be requested by those offices in carrying out their functions.

SEC. 415. CONTRACTS AND GRANTS.

19 USC 2545. (a) In General.—For purposes of carrying out this title, and otherwise encouraging compliance with the Agreement, the Special Representative and the Secretary concerned may each, with respect to functions for which responsible under this title, make grants to, or enter into contracts with, any other Federal agency, any State agency, or any private person, to assist such agency or person to implement appropriate programs and activities, including, but not limited to, programs and activities—

(1) to increase awareness of proposed and adopted standards-related activities;

(2) to facilitate international trade through the appropriate international and domestic standards-related activities;

(3) to provide, if appropriate, and pursuant to section 413, adequate United States representation in international standards-related activities; and

(4) to encourage United States exports through increased awareness of foreign standards-related activities that may affect United States exports.

No contract entered into under this section shall be effective except to such extent, and in such amount, as is provided in advance in appropriation Acts.

(b) Terms and Conditions.—Any contract entered into, or any grant made, under subsection (a) shall be subject to such terms and conditions as the Special Representative or Secretary concerned shall by regulation prescribe as being necessary or appropriate to protect the interests of the United States.

(c) Limitations.—Financial assistance extended under this section shall not exceed 75 percent of the total costs (as established by the Special Representative or Secretary concerned, as the case may be) of the program or activity for which assistance is made available. The non-Federal share of such costs shall be made in cash or kind, consistent with the maintenance of the program or activity concerned.

(d) Audit.—Each recipient of a grant or contract under this section shall make available to the Special Representative or the Secretary concerned, as the case may be, and to the Comptroller General of the

United States, for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under such grant or contract.

SEC. 416. TECHNICAL ASSISTANCE.

The Special Representative and the Secretary concerned may each, with respect to functions for which responsible under this title, make available, on a reimbursable basis or otherwise, to any other Federal agency, State agency, or private person such assistance, including, but not limited to, employees, services, and facilities, as may be appropriate to assist such agency or person in carrying out standards-related activities in a manner consistent with this title. 19 USC 2546.

SEC. 417. CONSULTATIONS WITH REPRESENTATIVES OF DOMESTIC INTERESTS.

In carrying out the functions for which responsible under this title, the Special Representative and the Secretary concerned shall solicit technical and policy advice from the committees, established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), that represent the interests concerned, and may solicit advice from appropriate State agencies and private persons. 19 USC 2547.

Subtitle C—Administrative and Judicial Proceedings Regarding Standards-Related Activities

CHAPTER 1—REPRESENTATIONS ALLEGING UNITED STATES VIOLATIONS OF OBLIGATIONS

SEC. 421. RIGHT OF ACTION UNDER THIS CHAPTER.

Except as provided under this chapter, the provisions of this subtitle do not create any right of action under the laws of the United States with respect to allegations that any standards-related activity engaged in within the United States violates the obligations of the United States under the Agreement. 19 USC 2551.

SEC. 422. REPRESENTATIONS.

Any— 19 USC 2552.

(1) Party to the Agreement; or

(2) foreign country that is not a Party to the Agreement but is found by the Special Representative to extend rights and privileges to the United States that are substantially the same as those that would be so extended if that foreign country were a Party to the Agreement;

may make a representation to the Special Representative alleging that a standards-related activity engaged in within the United States violates the obligations of the United States under the Agreement. Any such representation must be made in accordance with procedures that the Special Representative shall by regulation prescribe and must provide a reasonable indication that the standards-related activity concerned is having a significant trade effect. No person other than a Party to the Agreement or a foreign country described in paragraph (2) may make such a representation.

SEC. 423. ACTION AFTER RECEIPT OF REPRESENTATIONS.

(a) Review.—Upon receipt of any representation made under section 422, the Special Representative shall review the issues concerned in consultation with— 19 USC 2553.

(1) the agency or person alleged to be engaging in violations under the Agreement;

(2) the member agencies of the interagency trade organization established under section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a));

(3) other appropriate Federal agencies; and

(4) appropriate representatives referred to in section 417.

(b) RESOLUTION.—The Special Representative shall undertake to resolve, on a mutually satisfactory basis, the issues set forth in the representation through consultation with the parties concerned.

SEC. 424. PROCEDURE AFTER FINDING BY INTERNATIONAL FORUM.

19 USC 2554.

(a) IN GENERAL.—If an appropriate international forum finds that a standards-related activity being engaged in within the United States conflicts with the obligations of the United States under the Agreement, the interagency trade organization established under section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)) shall review the finding and the matters related thereto with a view to recommending appropriate action.

(b) CROSS REFERENCE.—

> **For provisions of law regarding remedies available to domestic persons alleging that standards activities engaged in by Parties to the Agreement (other than the United States) violate the obligations of the Agreement, see section 301 of the Trade Act of 1974 (19 U.S.C. 2411).**

CHAPTER 2—OTHER PROCEEDINGS REGARDING CERTAIN STANDARDS-RELATED ACTIVITIES

SEC. 441. FINDINGS OF RECIPROCITY REQUIRED IN ADMINISTRATIVE PROCEEDINGS.

19 USC 2561.

(a) IN GENERAL.—Except as provided under chapter 1, no Federal agency may consider a complaint or petition against any standards-related activity regarding an imported product, if that activity is engaged in within the United States and is covered by the Agreement, unless the Special Representative finds, and informs the agency concerned in writing, that—

(1) the country of origin of the imported product is a Party to the Agreement or a foreign country described in section 422(2); and

(2) the dispute settlement procedures provided under the Agreement are not appropriate.

(b) EXEMPTIONS.—This section does not apply with respect to causes of action arising under—

(1) the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)); or

(2) statutes administered by the Secretary of Agriculture.

This section does not apply with respect to petitions and proceedings that are provided for under the practices of any Federal agency for the purpose of ensuring, in accordance with section 553 of title 5, United States Code, that interested persons are given an opportunity to participate in agency rulemaking or to seek the issuance, amendment, or repeal of a rule.

SEC. 442. NOT CAUSE FOR STAY IN CERTAIN CIRCUMSTANCES.

19 USC 2562.

No standards-related activity being engaged in within the United States may be stayed in any judicial or administrative proceeding on the basis that such activity is currently being considered, pursuant to the Agreement, by an international forum.

Subtitle D—Definitions and Miscellaneous Provisions

SEC. 451. DEFINITIONS.

As used in this title— 19 USC 2571.

(1) AGREEMENT.—The term "Agreement" means the Agreement on Technical Barriers to Trade approved under section 2(a) of this Act.

(2) CERTIFICATION SYSTEM.—The term "certification system" means a system—

(A) for determining whether a product conforms with product standards applicable to that product; and

(B) if a product so conforms, for attesting, by means of a document, mark, or other appropriate evidence of conformity, to that conformity.

Such term also includes any modification of, or change to, any such system.

(3) FEDERAL AGENCY.—The term "Federal agency" means any of the following within the meaning of chapter 2 of part I of title 5, United States Code:

(A) Any executive department.

(B) Any military department.

(C) Any Government corporation.

(D) Any Government-controlled corporation.

(E) Any independent establishment.

(4) INTERNATIONAL CERTIFICATION SYSTEM.—The term "international certification system" means a certification system that is adopted by an international standards organization.

(5) INTERNATIONAL STANDARD.—The term "international standard" means any standard that is promulgated by an international standards organization.

(6) INTERNATIONAL STANDARDS ORGANIZATION.—The term "international standards organization" means any organization—

(A) the membership of which is open to representatives, whether public or private, of the United States and—

(i) all Parties to the Agreement, or

(ii) some but not all Parties of the Agreement; and

(B) that is engaged in international standards-related activities.

(7) INTERNATIONAL STANDARDS-RELATED ACTIVITY.—The term "international standards-related activity" means the negotiation, development, or promulgation of, or any amendment or change to, an international standard, or an international certification system, or both.

(8) PARTY TO THE AGREEMENT.—The term "Party to the Agreement" means any foreign country or instrumentality determined by the President to have assumed, and to be applying, the obligations of the Agreement with respect to the United States.

(9) PRIVATE PERSON.—The term "private person" means—

(A) any individual who is a citizen or national of the United States; and

(B) any corporation, partnership, association, or other legal entity organized or existing under the law of any State, whether for profit or not for profit.

(10) PRODUCT.—The term "product" means any natural or manufactured item.

(11) SECRETARY CONCERNED.—The term "Secretary concerned" means the Secretary of Commerce with respect to functions under this title relating to nonagricultural products, and the

Secretary of Agriculture with respect to functions under this title relating to agricultural products.

(12) SPECIAL REPRESENTATIVE.—The term "Special Representative" means the Special Representative for Trade Negotiations.

(13) STANDARD.—The term "standard" means any of the following, and any amendment or change to any of the following:

(A) The specification of the characteristics of a product, including, but not limited to, levels of quality, performance, safety, or dimensions.

(B) Specifications relating to the terminology, symbols, testing and test methods, packaging, or marking or labeling requirements applicable to a product.

(C) Administrative procedures related to the application of any specification referred to in paragraph (A) or (B).

(14) STANDARDS-RELATED ACTIVITY.—The term "standards-related activity" means the development, adoption, or application of any standard or any certification system.

(15) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam and any other Commonwealth, territory, or possession of the United States.

(16) STATE AGENCY.—The term "State agency" means any department, agency, or other instrumentality of the government of any State or of any political subdivision of any State.

(17) UNITED STATES.—The term "United States", when used in a geographical context, means all States.

SEC. 452. EXEMPTIONS UNDER TITLE.

19 USC 2572.

This title does not appy to—

(1) any standards activity engaged in by any Federal agency or State agency for the use (including, but not limited to, use with respect to research and development, production, or consumption) of that agency or the use of another such agency; or

(2) any standards activity engaged in by any private person solely for use in the production or consumption of products by that person.

SEC. 453. REPORTS TO CONGRESS ON OPERATION OF AGREEMENT.

19 USC 2573.

As soon as practicable after the close of the 3-year period beginning on the date on which this title takes effect, and as soon as practicable after the close of each succeeding 3-year period, the Special Representative shall prepare and submit to Congress a report containing an evaluation of the operation of the Agreement, both domestically and internationally, during the period.

SEC. 454. EFFECTIVE DATE.

19 USC 2531 note.

This title shall take effect on January 1, 1980, if the Agreement enters into force with respect to the United States by that date.

TITLE V—IMPLEMENTATION OF CERTAIN TARIFF NEGOTIATIONS

SEC. 501. AMENDMENT OF TARIFF SCHEDULES.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a schedule or other provision, the reference shall be considered to be made to a schedule or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202).

SEC. 502. EFFECTIVE DATES OF CERTAIN TARIFF REDUCTIONS.

(a) GENERAL.—If the President determines that appropriate concessions have been received from foreign countries under trade agreements entered into before January 3, 1980, under title I of the Trade Act of 1974, then the amendments to the Tariff Schedules of the United States under sections 505, 506, 508, 509, 510, 511, 512, and 513 shall be effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date proclaimed by the President.

19 USC 1202 note.
19 USC 2111.
19 USC 1202.

(b) TERMINATION OR WITHDRAWAL.—For purposes of section 125 (19 U.S.C. 2135) of the Trade Act of 1974 the amendments made under sections 508, 511, 512, and 513 not including the rates of duty appearing in rate column numbered 2, if any, shall be considered to be trade agreement obligations entered into under the Trade Act of 1974, of benefit to foreign countries or instrumentalities.

19 USC 2135 note.
19 USC 2101.

(c) TARIFF REDUCTIONS.—For purposes of sections 101 and 601(7) of the Trade Act of 1974 (19 U.S.C. 2111, 2481), the rates of duty in the rate column numbered 1 or 2 as the result of the amendments, if any, made under sections 505, 506, 509, 510, 511, and 514 shall be considered to be the rates of duty existing or in effect on January 1, 1975.

19 USC 2111 note.

SEC. 503. STAGING OF CERTAIN TARIFF REDUCTIONS.

(a) IN GENERAL.—The aggregate reduction in the rate of duty applicable to items described in this subsection in effect on any day pursuant to a trade agreement entered into under section 101 of the Trade Act of 1974 before January 3, 1980, may exceed the limitation in section 109(a) of such Act (19 U.S.C. 2119):

19 USC 2119 note.
19 USC 2111.

(1) Items amended under section 223(d) of this Act to the extent that they apply to articles which the President determines were not imported into the United States before January 1, 1978, and were not produced in the United States before May 1, 1978.

(2)(A) Items to the extent that they apply to articles which the President determines are not import sensitive and are the product of a least developed developing country as defined in the United Nations General Assembly list of "Least Developed Countries" and which are beneficiary developing countries under section 502 of the Trade Act of 1974.

19 USC 2462.

(B) The President may at any time suspend the treatment accorded under subparagraph (A) in which case the aggregate reduction in effect for such products shall be the reduction in effect for countries other than least developed developing countries.

(3) Item 628.57. Notwithstanding the first sentence of this subsection, the limitation in section 109(a) of the Trade Act of 1974 may be exceeded only to the extent necessary to permit an aggregate reduction of 4.8 percent ad valorem in the rate of duty in effect under such item during the first 1-year period after the effective date of the first reduction in the rate of duty proclaimed for such item.

19 USC 2119.

(4) Items 132.50, 170.10, 170.15, 170.20, 177.62, 186.15, and 429.47.

(5) Items 306.31, 306.32, 306.33, and 306.34. Notwithstanding subsection (a), the limitation in section 109(a) of the Trade Act of 1974 may be exceeded only to the extent necessary to permit the total reduction proclaimed under section 101 of the Trade Act of 1974 relating to such item to take effect within 2 years after the

19 USC 2111.

effective date of the first reduction in the rate of duty proclaimed for such item.

(6) Items for which the President determines the effective date of the first reduction will be after June 30, 1980, and before January 1, 1981, to the extent necessary to permit the second reduction to take effect on January 1, 1981.

Publication in Federal Register.

(b) OPPORTUNITY FOR COMMENT.—Before making any determination under subsection (a) (1) and (2), the President shall provide interested parties an opportunity to comment and shall publish his final determinations in the Federal Register before July 1, 1980.

SEC. 504. SNAPBACK OF TEXTILE TARIFF REDUCTIONS.

19 USC 1202.

The headnotes to Schedule 3 are amended by adding at the end thereof the following new headnote:

19 USC 2111.

19 USC 2119.

"8. In the case of each item in this schedule and schedule 7 on which the United States has agreed to reduce the rate of duty, pursuant to a trade agreement entered into under section 101 of the Trade Act of 1974 before January 3, 1980, on any cotton, wool, or manmade fiber textile product as defined in the Arrangement Regarding International Trade in Textiles, as extended on December 14, 1977 (the Arrangement), if the Arrangement, or a substitute arrangement, including unilateral import restrictions or bilateral agreements, determined by the President to be suitable, ceases to be in effect with respect to the United States before the total reduction in the rate of duty for such item under sections 101 and 109 of the Trade Act of 1974 has become effective, then the President shall proclaim the rate of duty in rate column numbered 1 for such item existing on January 1, 1975, to be the rate of duty effective, with respect to articles entered, or withdrawn from warehouse, for consumption, within 30 days after such cessation and until the President proclaims the continuation of such reduction under the next sentence. If subsequently the Arrangement, or a substitute arrangement, including unilateral import restrictions or bilateral agreements, determined by the President to be suitable, is in effect with respect to the United States, then the President shall proclaim the continuation of the reduction of such rate of duty pursuant to such trade agreement. For purposes of section 109(c)(2) of the Trade Act of 1974, any time when a rate of duty existing on January 1, 1975, is in effect under this headnote shall be time when part of such reduction is not in effect by reason of legislation of the United States or action thereunder.".

SEC. 505. GOAT AND SHEEP (EXCEPT LAMB) MEAT.

19 USC 1202.

Schedule 1, part 2, subpart B is amended by striking out item 106.20 and inserting in lieu thereof the following new items:

"	106.22	Sheep (except lambs)	2.5¢ per lb.	5¢ per lb.	
	106.25	Goats	2.5¢ per lb.	5¢ per lb.	".

SEC. 506. CERTAIN FRESH, CHILLED, OR FROZEN BEEF.

19 USC 1202.

Schedule 1, part 2, subpart B is amended by striking out item 107.60 and inserting in lieu thereof the following new items:

"		Valued over 30 cents per pound:		
		Prepared, whether fresh, chilled or frozen, but not otherwise preserved:		
	107.61	Beef specially processed into fancy cuts, special shapes, or otherwise made ready for particular uses by the retail consumer (but not ground or comminuted, diced or cut into sizes for stew meat or similar uses, or rolled or		

	skewered), which meets the specifications in regulations issued by the U.S. Department of Agriculture for Prime or Choice beef, and which has been so certified prior to exportation by an official of the government of the exporting country, in accordance with regulations issued by the Secretary of the Treasury after consultation with the Secretary of Agriculture	10% ad val.	20% ad val.
107.62	Other	10% ad val.	20% ad val.
107.63	Other	10% ad val.	20% ad val. ".

SEC. 507. YELLOW DENT CORN.

19 USC 2111 note.

Notwithstanding section 101(b)(1) of the Trade Act of 1974 (19 U.S.C. 2111), the President may proclaim under section 101 of such Act a reduction to 5 cents per bushel of 56 pounds in the rate of duty applicable to yellow dent corn under rate column numbered 1 of the Tariff Schedules of the United States, currently classified under item 130.35.

19 USC 1202.

SEC. 508. CARROTS.

19 USC 1202.

Schedule 1, part 8, subpart A is amended as follows:

(1) Item 135.41 is amended by striking out the material appearing in rate columns numbered 1 and 2 and inserting in lieu thereof "1¢ per lb." and "8¢ per lb.", respectively.

(2) Item 135.42 is amended by striking out the material appearing in rate columns numbered 1 and 2 and inserting in lieu thereof "0.5¢ per lb." and "4¢ per lb.", respectively.

SEC. 509. DINNERWARE.

19 USC 1202.

Schedule 5, part 2, subpart C is amended—

(1) by striking out "(items 533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, 533.68 and 533.69)" in headnote 2(a) and inserting in lieu thereof the following: "(items 533.22, 533.24, 533.62, and 533.64)";

(2) by striking out "or (c)" in headnote 2(a);

(3) by striking out "533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, or 533.68" in headnote 2(b) and inserting in lieu thereof the following: "533.22, 533.24, 533.62 or 533.64";

(4) by striking out "appraiser" in headnote 2(b) and inserting in lieu thereof "appropriate customs officer";

(5) by inserting a comma and "sold or offered for sale," after "12 tea cups and their saucers" in headnote 2(b);

(6) by striking out headnote 2(c) and redesignating headnote 2(d) as 2(c); and

(7) by striking out items 533.11 through 533.77, including the superior heading to such items, and inserting in lieu thereof the following:

"	Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:		
533.11	Of coarse-grained earthenware, or of coarse-grained stoneware	2.5% ad val.	15% ad val.
533.15	Of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze which, on teapots, may be any color, but which, on other articles, must be mottled, streaked, or solidly colored brown to black with metallic oxide or salt	6% ad val.	25% ad val.
	Of fine-grained earthenware (except articles provided for in item 533.15) or of fine-grained stoneware:		
533.20	Hotel or restaurant ware and other ware not		

	household ware	48.7% ad val.	55% ad val.
	Household ware available in specified sets:		
533.22	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is not over $38	23.5% ad val.	55% ad val.
533.24	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $38	11.4% ad val.	55% ad val.
	Household ware not available in specified sets:		
533.29	Steins with permanently attached pewter lids	18.6% ad val.	55% ad val.
533.30	Mugs and other steins	18.6% ad val.	55% ad val.
533.32	Candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, bonbon dishes, egg cups, spoons and spoon rests, oil and vinegar sets, tumblers, and salt and pepper shaker sets	15.6% ad val.	55% ad val.
533.34	Cups valued over $5.25 per dozen; saucers valued over $3 per dozen; soups, oatmeals and cereals valued over $6 per dozen; plates not over 9 inches in maximum diameter and valued over $6 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $8.50 per dozen; platters or chop dishes valued over $35 per dozen; sugars valued over $21 per dozen; creamers valued over $15 per dozen; and beverage servers valued over $42 per dozen	11.6% ad val.	55% ad val.
533.39	Other articles	23.5% ad val.	55% ad val.
	Of chinaware or of subporcelain:		
533.52	Hotel or restaurant ware and other ware not household ware	48.7% ad val.	75% ad val.
	Household ware:		
533.54	Of bone chinaware	17.5% ad val.	75% ad val.
	Of nonbone chinaware or of subporcelain:		
	Available in specified sets:		
533.62	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is not over $56	18.6% ad val.	75% ad val.
533.64	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $56	15.4% ad val.	75% ad val.
	Not available in specified sets:		
533.72	Steins with permanently attached pewter lids	22.5% ad val.	70% ad val.
533.74	Mugs and other steins	22.5% ad val.	70% ad val.

533.76	Candy boxes, decanters, punch-bowls, pretzel dishes, tidbit dishes, tiered servers, bonbon dishes, egg cups, spoons and spoon rests, oil and vinegar sets, tumblers, and salt and pepper shaker sets	22.5% ad val.	70% ad val.
533.78	Cups valued over $8 per dozen; saucers valued over $5.25 per dozen; soups, oatmeals and cereals valued over $9.30 per dozen; plates not over 9 inches in maximum diameter and valued over $8.50 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $11.50 per dozen; platters or chop dishes valued over $40 per dozen; sugars valued over $23 per dozen; creamers valued over $20 per dozen; and beverage servers valued over $50 per dozen	18% ad val.	75% ad val.
533.79	Other articles	26.1% ad val.	75% ad val. ”

SEC. 510. TARIFF TREATMENT OF WATCHES.

19 USC 1202.

Schedule 7, part 2, subpart E is amended—

(1) by striking out subsection (a) in headnote 3 and redesignating subsections (b), (c), (d), (e), and (f) as (a), (b), (c), (d), and (e), respectively,

(2) by striking out "items 717.--, 718.--, and 719.--." in headnote 3(b) (as redesignated by paragraph (1)) and inserting in lieu thereof "item 719.--.",

(3) by striking out the last two sentences in headnote 3(b) (as redesignated by paragraph (1)) and inserting in lieu thereof the following: "For citation purposes, the two blanks on the end of such item number shall be filled in with the last two digits of the item number for the applicable base rate. Thus 'item 719.31' would be the citation for a watch movement, 0.7 inch wide, having 17 jewels, which is adjusted or self-winding or constructed or designed to operate for a period in excess of 47 hours without rewinding.",

(4) by striking out "in Arabic numerals and" in clauses (iii) and (iv) of headnote 4(a),

(5) by amending headnote 4(e) to read as follows:

"(e) Dials shall be marked to show the name of the country of manufacture.",

(6) by amending items 716.10 through 716.26 to read as follows:

“ 716.10	Not over 0.6 inch in width	90¢ each	$1.50 each
716.11	Over 0.6 but not over 0.8 inch in width	75¢ each	$1.50 each
716.12	Over 0.8 but not over 0.9 inch in width	75¢ each	$1.50 each
716.13	Over 0.9 but not over 1 inch in width	75¢ each	$1.50 each
716.14	Over 1 but not over 1.2 inches in width	75¢ each	$1.50 each
716.15	Over 1.2 but not over 1.5 inches in width	75¢ each	$1.50 each

716.16	Over 1.5 but not over 1.77 inches in width	75¢ each	$1.50 each
	Having over 1 jewel but not over 7 jewels:		
716.20	Not over 0.6 inch in width	$1.80 each	$2.50 each
716.21	Over 0.6 but not over 0.8 inch in width	$1.35 each	$2.50 each
716.22	Over 0.8 but not over 0.9 inch in width	$1.35 each	$2.50 each
716.23	Over 0.9 but not over 1 inch in width	$1.20 each	$2.50 each
716.24	Over 1 but not over 1.2 inches in width	90¢ each	$2.50 each
716.25	Over 1.2 but not over 1.5 inches in width	90¢ each	$2.50 each
716.26	Over 1.5 but not over 1.77 inches in width	90¢ each	$2.50 each ”;

(7) by striking out the material appearing in rate column numbered 2 under items 716.31 through 716.36 and inserting in lieu thereof the following: "$2.50 each +15 cents for each jewel over 7",

(8) by striking out item 719.-- and inserting in lieu thereof the following:

“ 719.-- (see headnote 3(b))	Adjusted or self-winding, whether or not adjusted (or if a self-winding device can be incorporated therein), or constructed or designed to operate for a period in excess of 47 hours without rewinding	Column 1 base rate +50¢ each if self-winding +50¢ for each adjustment	Column 2 base rate +$1 each if self-winding +$1 for each adjustment ”;

and

(9) by striking out the material appearing in rate column numbered 1 in item 720.75 and inserting in lieu thereof "22.5% ad val.".

SEC. 511. BROOMS.

19 USC 1202.

Subpart A of part 8 of schedule 7 is amended—

(1) by striking out the superior heading for items 750.26 and 750.27 and inserting in lieu thereof "Valued not over 45¢ each", and

(2) by striking out the item description for item 750.28 and inserting in lieu thereof "Valued over 45¢ each".

SEC. 512. AGRICULTURAL AND HORTICULTURAL MACHINERY, EQUIPMENT, IMPLEMENTS, AND PARTS.

19 USC 1202.

Schedule 8, part 7 is amended—

(1) by adding the following new headnote:

"2. The provisions of items 870.40 and 870.45 do not apply to—

"(i) articles of textile materials; articles provided for in schedule 5; articles of leather or of fur on the skin;

"(ii) articles provided for in schedule 6, part 2, part 3 (subparts A through F except items 652.12 through 652.38, inclusive, 652.84, 652.88, 653.00, and 653.01), part 5 (except item 688.40), or part 6, but interchangeable agricultural and horticultural implements are classifiable in item 870.40 even if mounted at the time of importation on a tractor provided for in part 6B of schedule 6;

"(iii) ball or roller bearings, including such bearings with integral shafts, and parts thereof, provided for in items 680.33 through 680.35, inclusive; or

"(iv) articles provided for in item 666.00."; and

(2) by inserting, in numerical sequence, the following new items:

" 870.40	Machinery, equipment, and implements to be used for agricultural or horticultural purposes........................	Free	The column 2 rate applicable in the absence of this item
870.45	Parts to be used in articles provided for in item 666.00, whether or not such parts are chiefly used as parts of such articles and whether or not covered by a specific provision within the meaning of general interpretative rule 10(ij)................................	Free	The column 2 rate applicable in the absence of this item ".

SEC. 513. WOOL.

Subpart B, part 1 of the Appendix is amended by striking out "On or before 6/30/80" in the effective period column applicable to items 905.10 and 905.11 and inserting in lieu thereof "On or before 6/30/85". 19 USC 1202 app.

SEC. 514. CONVERSION TO AD VALOREM EQUIVALENTS OF CERTAIN COLUMN 2 TARIFF RATES.

(a) GENERAL.—The rates of duty appearing in rate column numbered 2 under the items listed below are amended to the rates of duty appearing below next to each such item, respectively: 19 USC 1202.

Item:	Rate of duty:
110.65	1% ad val.
111.52	6% ad val.
111.56	1% ad val.
112.03	2.5% ad val.
112.12	2% ad val.
112.24	4% ad val.
113.15	2% ad val.
114.34	7.5% ad val.
114.36	12.5% ad val.
114.55	13% ad val.
141.60	38.5% ad val.
176.47	22.5% ad val.
178.10	12.5% ad val.
252.13	21% ad val.
252.15	22% ad val.
252.20	24.5% ad val.
252.25	38% ad val.
252.27	30.5% ad val.

Item:	Rate of duty:
252.30	24% ad val.
252.40	25% ad val.
252.42	20.5% ad val.
252.45	15.5% ad val.
252.59	24% ad val.
252.61	20% ad val.
252.63	18% ad val.
252.67	11.5% ad val.
252.70	29% ad val.
252.73	22% ad val.
252.75	28% ad val.
252.77	28% ad val.
253.05	17.5% ad val.
253.10	27% ad val.
253.15	36% ad val.
253.20	36% ad val.
253.25	19% ad val.
253.35	22.5% ad val.
253.40	24% ad val.
253.45	22.5% ad val.
254.09	42% ad val.
254.15	38% ad val.
254.18	30.5% ad val.
254.20	24% ad val.
254.30	15% ad val.
254.35	31% ad val.
254.40	24% ad val.
254.42	20% ad val.
254.44	18% ad val.
254.46	37% ad val.
254.48	34% ad val.
254.50	35% ad val.
254.54	17.5% ad val.
254.56	35% ad val.
254.58	62.5% ad val.
254.63	30% ad val.
254.65	20% ad val.
254.70	18.5% ad val.
254.75	14% ad val.
254.80	25% ad val.
254.85	20% ad val.
254.90	24.5% ad val.
254.95	11.5% ad val.
256.20	33% ad val.
256.25	33% ad val.
256.48	21.5% ad val.
256.65	25.5% ad val.
256.67	43% ad val.
256.80	19.5% ad val.
256.85	26.5% ad val.
303.20	25.5% ad val.
307.62	55.5% ad val.
307.64	55.5% ad val.
309.10	65.5% ad val.
309.25	72.5% ad val.
309.70	56.5% ad val.
309.80	76.5% ad val.
309.90	51.5% ad val.
310.06	79% ad val.
310.21	83.5% ad val.
310.40	54% ad val.
310.50	61.5% ad val.
310.60	81% ad val.
310.80	80% ad val.

Item:	Rate of duty:
312.30	36.5% ad val.
315.35	19.5% ad val.
315.40	20% ad val
315.45	17% ad val.
316.60	76.5% ad val.
335.50	11.5% ad val.
335.55	90% ad val.
335.60	78% ad val.
336.20	63% ad val.
336.25	62% ad val.
336.30	95% ad val.
336.40	63.5% ad val.
336.50	138.5% ad val.
336.60	68.5% ad val.
338.10	107% ad val.
338.15	80.5% ad val.
338.30	81% ad val.
339.05	63.5% ad val.
345.30	65.5% ad val.
345.50	113.5% ad val.
346.52	61.5% ad val.
346.60	79.5% ad val.
346.82	58% ad val.
346.90	79.5% ad val.
347.40	59% ad val.
347.55	68.5% ad val.
347.60	76.5% ad val.
347.65	78% ad val.
347.70	84% ad val.
355.25	74% ad val.
355.45	82% ad val.
355.60	70% ad val.
355.70	54% ad val.
355.82	84.5% ad val.
356.30	65% ad val.
356.40	74.5% ad val.
357.15	68.5% ad val.
357.20	63% ad val.
357.35	63% ad val.
357.45	62% ad val.
357.90	21.5% ad val.
357.95	88.5% ad val.
358.08	66% ad val.
358.14	74% ad val.
358.30	64.5% ad val.
358.50	68.5% ad val.
359.30	57% ad val.
359.50	83.5% ad val.
363.10	48.5% ad val.
363.85	77.5% ad val.
364.22	64.5% ad val.
364.30	74% ad val.
367.05	60% ad val.
367.10	52.5% ad val.
367.15	65.5% ad val.
367.25	48.5% ad val.
367.50	74.5% ad val.
367.55	78% ad val.
367.60	72.5% ad val.
370.04	75% ad val.
370.08	53.5% ad val.
370.12	49% ad val.
370.16	54% ad val.
370.17	50% ad val.

Item:	Rate of duty:
370.19	45% ad val.
370.21	59.5% ad val.
370.22	46% ad val.
370.28	38% ad val.
370.32	48% ad val.
370.40	49% ad val.
370.44	60% ad val.
370.52	45% ad val.
370.56	55.5% ad val.
370.64	58% ad val.
370.68	67.5% ad val.
370.76	51.5% ad val.
370.88	68.5% ad val.
372.25	83.5% ad val.
372.30	63.5% ad val.
372.35	54% ad val.
372.40	65.5% ad val.
372.45	55% ad val.
372.70	68.5% ad val.
372.75	73% ad val.
373.15	52% ad val.
373.25	71.5% ad val.
374.50	53.5% ad val.
374.60	72% ad val.
376.08	67.5% ad val.
376.16	83.5% ad val.
378.35	55.5% ad val.
378.40	54% ad val.
378.45	52% ad val.
378.60	72% ad val.
378.65	71% ad val.
380.57	63% ad val.
380.59	52% ad val.
380.61	54.5% ad val.
380.63	58% ad val.
380.66	58.5% ad val.
380.81	72% ad val.
380.84	76% ad val.
382.48	78.5% ad val.
382.54	63% ad val.
382.56	52% ad val.
382.58	54.5% ad val.
382.60	58% ad val.
382.63	58.5% ad val.
382.78	72% ad val.
382.81	76% ad val.
385.53	103% ad val.
385.61	71.5% ad val.
385.85	71% ad val.
388.10	70.5% ad val.
388.20	56.5% ad val.
388.30	60.5% ad val.
389.40	72% ad val.
389.50	74% ad val.
389.61	71.5% ad val.
389.62	78.5% ad val.
416.10	8.5% ad val.
416.30	10% ad val.
416.40	55% ad val.
417.10	9.5% ad val.
417.16	10% ad val.
417.22	28% ad val.
417.24	16% ad val.
417.26	18% ad val.

Item:	Rate of duty:
417.28	29% ad val.
417.30	15% ad val.
417.32	4% ad val.
417.34	8.5% ad val.
417.40	49.5% ad val.
417.52	29% ad val.
417.54	25.5% ad val.
417.70	28.5% ad val.
417.72	7.5% ad val.
417.74	10.5% ad val.
417.76	19% ad val.
417.78	6% ad val.
418.14	10% ad val.
418.24	2% ad val.
418.26	24.5% ad val.
418.30	43.5% ad val.
418.62	6.5% ad val.
418.72	29% ad val.
418.74	31% ad val.
418.76	5% ad val.
418.78	32.5% ad val.
419.00	6% ad val.
419.02	10% ad val.
419.24	3% ad val.
419.28	5% ad val.
419.34	20% ad val.
419.60	20.5% ad val.
419.80	18% ad val.
419.82	25.5% ad val.
420.04	6% ad val.
420.06	9% ad val.
420.08	3.5% ad val.
420.20	7.5% ad val.
420.22	23% ad val.
420.24	7% ad val.
420.26	3% ad val.
420.28	23% ad val.
420.32	50.5% ad val.
420.84	8.5% ad val.
420.88	13% ad val.
420.94	26% ad val.
420.98	8.5% ad val.
421.04	8.5% ad val.
421.10	25.5% ad val.
421.14	54% ad val.
421.16	6% ad val.
421.18	11.5% ad val.
421.34	3% ad val.
421.36	62.5% ad val.
421.46	4% ad val.
421.52	7.5% ad val.
421.54	4.5% ad val.
421.56	46.5% ad val.
422.40	55.5% ad val.
422.42	45.5% ad val.
422.72	5% ad val.
422.76	8% ad val.
423.88	18% ad val.
423.92	45.5% ad val.
425.00	56.5% ad val.
425.02	35% ad val.
425.12	50.5% ad val.
425.14	39% ad val.
425.18	58% ad val.

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Item:	Rate of duty:
425.38	40% ad val.
425.52	30.5% ad val.
425.70	16% ad val.
425.72	17.5% ad val.
425.74	39.5% ad val.
425.76	22.5% ad val.
425.78	2% ad val.
425.86	34.5% ad val.
425.88	2% ad val.
425.94	17% ad val.
426.00	22% ad val.
426.12	7% ad val.
426.14	5% ad val.
426.32	32% ad val.
426.34	29% ad val.
426.36	3% ad val.
426.42	7.5% ad val.
426.56	28% ad val.
426.72	4% ad val.
426.76	11% ad val.
426.77	21% ad val.
426.78	22.5% ad val.
426.82	11.5% ad val.
426.94	42% ad val.
426.98	27.5% ad val.
427.40	71% ad val.
427.42	32.5% ad val.
427.44	61.5% ad val.
427.46	60% ad val.
427.54	40% ad val.
427.56	32.5% ad val.
427.58	37% ad val.
427.70	45% ad val.
427.72	37.5% ad val.
427.74	50.5% ad val.
427.82	41.5% ad val.
427.88	20% ad val.
427.94	20.5% ad val.
427.97	46% ad val.
428.04	37% ad val.
428.06	66% ad val.
428.20	35% ad val.
428.22	39% ad val.
428.24	39% ad val.
428.26	33.5% ad val.
428.30	51% ad val.
428.34	63% ad val.
428.46	54.5% ad val.
428.52	40% ad val.
428.58	20.5% ad val.
428.68	52% ad val.
428.80	46% ad val.
428.84	49% ad val.
428.86	55% ad val.
428.88	31% ad val.
428.94	88.5% ad val.
428.96	37% ad val.
429.00	36.5% ad val.
429.22	8.5% ad val.
429.24	32% ad val.
429.26	125% ad val.
429.44	76% ad val.
429.46	35% ad val.
429.47	114.5% ad val.

Item:	Rate of duty:
437.02	59% ad val.
437.68	8% ad val.
437.69	5% ad val.
445.05	37% ad val.
445.10	35.5% ad val.
445.15	34% ad val.
445.20	73.5% ad val.
445.25	34.5% ad val.
445.30	43% ad val.
445.35	41.5% ad val.
445.40	37.5% ad val.
445.45	43.5% ad val.
445.50	33.5% ad val.
465.87	66% ad val.
472.22	13% ad val.
472.30	11% ad val.
472.44	8.5% ad val.
473.24	39.5% ad val.
473.28	12% ad val.
473.46	5.5% ad val.
473.48	12% ad val.
473.52	12% ad val.
473.54	12.5% ad val.
473.56	12.5% ad val.
473.60	4.5% ad val.
473.66	6% ad val.
473.72	11% ad val.
473.74	22.5% ad val.
473.76	5.5% ad val.
473.78	4.5% ad val.
473.80	11% ad val.
473.84	7.5% ad val.
490.30	28% ad val.
490.32	29.5% ad val.
490.42	34.5% ad val.
490.44	50% ad val.
490.46	27.5% ad val.
490.65	39.5% ad val.
490.90	27% ad val.
493.18	33.5% ad val.
493.22	11% ad val.
522.24	13.5% ad val.
534.84	51.5% ad val.
534.87	50.5% ad val.
607.01	1% ad val.
607.02	1% ad val.
607.03	1% ad val.
607.04	1% ad val.
607.12	0.5% ad val. + additional duties
607.18	0.5% ad val. + additional duties
607.20	0.5% ad val.
607.21	0.5% ad val. + additional duties
607.31	7.5% ad val.
607.35	22% ad val.
607.36	6.5% ad val.
607.37	10.5% ad val.
607.40	31.5% ad val.
607.51	11.5% ad val.
607.52	9% ad val.
607.53	40% ad val.
607.57	23% ad val.
607.65	35% ad val.
608.06	1% ad val.
608.10	3% ad val.

Item:	Rate of duty:
608.30	7% ad val.
608.32	10.5% ad val. + additional duties
608.60	23% ad val.
608.70	4.5% ad val.
608.71	5.5% ad val.
608.73	29.5% ad val.
608.75	6% ad val.
608.76	11% ad val. + additional duties
608.78	10% ad val. + additional duties
608.92	6% ad val.
608.93	6% ad val.
608.95	21.5% ad val.
609.25	25.5% ad val.
609.26	26% ad val.
609.27	26% ad val.
609.35	34% ad val. + additional duties
609.36	34% ad val. + additional duties
609.37	12.5% ad val. + additional duties
609.41	7% ad val.
609.72	26% ad val.
609.76	33% ad val. + additional duties
609.80	2% ad val.
609.82	9% ad val. + additional duties
609.96	2% ad val.
609.98	8% ad val. + additional duties
610.20	1% ad val.
610.21	9% ad val. + additional duties
610.25	2% ad val.
610.26	8% ad val. + additional duties
610.30	13% ad val.
610.31	6.5% ad val.
610.32	5.5% ad val.
610.35	10% ad val. + additional duties
610.36	9.5% ad val. + additional duties
610.37	10% ad val. + additional duties
610.39	1% ad val.
610.40	8.5% ad val. + additional duties
612.02	6% ad val.
612.03	6% ad val.
612.05	24% ad val.
612.06	6% ad val.
612.08	24% ad val.
612.10	6% ad val.
612.15	12% ad val.
612.17	38% ad val.
612.20	28% ad val.
612.30	38% ad val.
612.31	7.5% ad val.
612.32	48% ad val.
612.34	38% ad val.
612.35	32% ad val.
612.36	48% ad val.
612.38	38% ad val.
612.39	9% ad val.
612.40	38% ad val.
612.41	48% ad val.
612.43	38% ad val.
612.44	9% ad val.
612.45	49% ad val.
612.50	48% ad val.
612.52	49% ad val.
612.55	12% ad val.
612.56	49% ad val.
612.60	7% ad val.

Item:	Rate of duty:
612.61	32% ad val.
612.62	9% ad val.
612.63	48% ad val.
612.64	9% ad val.
612.70	32% ad val.
612.71	32% ad val.
612.72	28% ad val.
612.73	28% ad val.
612.80	48% ad val.
612.81	17% ad val.
612.82	49% ad val.
613.02	13% ad val.
613.03	13% ad val.
613.04	47% ad val.
613.06	45.5% ad val.
613.08	49% ad val.
613.10	10% ad val.
613.12	49% ad val.
613.15	46% ad val.
613.18	49% ad val.
618.01	18.5% ad val.
618.02	11% ad val.
618.04	25% ad val.
618.06	10.5% ad val.
618.10	16% ad val.
618.15	11% ad val.
618.22	25% ad val.
618.25	13.5% ad val.
618.27	9.5% ad val.
618.40	11% ad val.
618.45	15.5% ad val.
624.02	10.5% ad val.
624.03	10% ad val.
624.04	11.5% ad val.
624.10	10% ad val.
624.18	47% ad val.
624.22	44% ad val.
624.30	10% ad val.
624.32	45% ad val.
624.40	45% ad val.
624.50	10% ad val.
624.52	44% ad val.
626.10	11% ad val.
626.17	4% ad val.
626.18	24% ad val.
626.31	25.5% ad val.
628.57	60.5% ad val.
629.25	50% ad val.
629.28	58% ad val.
629.32	35.5% ad val.
632.32	20% ad val.
632.42	21% ad val.
642.12	40% ad val.
642.50	28% ad val.
642.54	19.5% ad val.
642.56	28% ad val.
642.58	18% ad val.
642.62	31% ad val.
642.66	25% ad val.
642.68	43% ad val.
642.70	27.5% ad val.
642.76	51.5% ad val.
642.85	37% ad val.
642.96	2% ad val.

Item:	Rate of duty:
644.02	6.5% ad val.
644.08	61.5% ad val.
644.11	47.5% ad val.
644.17	28% ad val.
644.24	47% ad val.
644.36	21% ad val.
644.38	22.5% ad val.
644.40	24.5% ad val.
644.42	23% ad val.
644.46	8% ad val.
644.52	26% ad val.
644.64	13.5% ad val.
644.68	104% ad val.
644.80	10% ad val.
644.84	15% ad val.
644.88	3% ad val.
644.92	6% ad val.
644.95	20% ad val.
644.98	4% ad val.
646.02	4% ad val.
646.20	4% ad val.
646.25	2% ad val.
646.26	3.5% ad val.
646.28	2% ad val.
646.30	5.5% ad val.
646.32	8% ad val.
646.45	8% ad val.
646.54	3.5% ad val.
646.56	0.5% ad val.
646.74	7% ad val.
646.80	39.5% ad val.
646.81	29.5% ad val.
646.82	28.5% ad val.
646.83	27% ad val.
646.84	36% ad val.
646.85	29.5% ad val.
646.86	40% ad val.
646.87	41% ad val.
646.88	77% ad val.
646.89	32.5% ad val.
649.33	6% ad val.
651.07	72% ad val.
652.24	10% ad val.
652.41	10% ad val.
653.97	35.5% ad val.
654.10	45.5% ad val.
657.30	45.5% ad val.
657.35	46% ad val.
657.70	2.5% ad val.
660.65	68.5% ad val.
672.20	42% ad val.
680.20	47% ad val.
680.30	45% ad val.
690.25	3% ad val.
712.10	70% ad val.
720.75	45% ad val.
725.04	37.5% ad val.
730.23	82.5% ad val.
730.25	82.5% ad val.
730.27	74% ad val.
730.29	73% ad val.
730.37	75% ad val.
730.39	75% ad val.
730.41	79% ad val.

Item:	Rate of duty:
730.43	71.5% ad val.
730.51	65% ad val.
730.53	65% ad val.
730.55	65% ad val.
730.57	65% ad val.
730.63	69.5% ad val.
730.71	73.5% ad val.
730.74	57.5% ad val.
750.10	36% ad val.
760.10	41.5% ad val.
760.20	21.5% ad val.
760.30	20% ad val.
770.05	42.5% ad val.
770.07	64% ad val.
770.10	56% ad val.
771.20	30.5% ad val.
771.31	28.5% ad val.
771.35	18% ad val.
771.50	17% ad val.
772.06	84.5% ad val.
772.80	57.5% ad val.
773.20	105.5% ad val.
774.35	56% ad val.
790.59	56% ad val.
790.60	55.5% ad val.
790.61	52% ad val.
790.62	51% ad val.

19 USC 1202 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to articles entered, or withdrawn from warehouse, for consumption after December 31, 1979.

TITLE VI—CIVIL AIRCRAFT AGREEMENT

SEC. 601. CIVIL AIRCRAFT AND PARTS.

Ante, p. 237.

(a) GENERAL.—When the conditions under section 2(b) of this Act on acceptance of the Agreement on Trade in Civil Aircraft are fulfilled, the President may proclaim after September 30, 1979, the changes provided for under the following amendments:

(1) The headnotes to schedule 6, part 6, subpart C of the Tariff Schedules of the United States are amended by inserting the following new headnote:

19 USC 1202.

"3. Certified for Use in Civil Aircraft.

"(a) Whenever the term 'certified for use in civil aircraft' is used in an item description in the schedules, the importer shall file a written statement, accompanied by such supporting documentation as the Secretary of the Treasury may require, with the appropriate customs officer stating that the imported article has been imported for use in civil aircraft, that it will be so used, and that the article has been approved for such use by the Administrator of the Federal Aviation Administration (F.A.A.) or by the airworthiness authority in the country of exportation, if such approval is recognized by the F.A.A. as an acceptable substitute for F.A.A. certification, or that an application for approval for such use has been submitted to, and accepted by, the Administrator of the F.A.A.

"Civil aircraft."

"(b) For purposes of the schedules, the term 'civil aircraft' means all aircraft other than aircraft purchased for use by the Department of Defense or the United States Coast Guard.".

"Free."

(2) A duty rate of "Free" in rate column numbered 1 of the Tariff Schedules of the United States for those articles classified in the following items which the President determines would

provide coverage comparable to that provided by foreign countries in the Annex to the Agreement on Trade in Civil Aircraft if such articles are certified for use in civil aircraft in accordance with headnote 3 to schedule 6, part 6, subpart C of the Tariff Schedules of the United States:

19 USC 1202.

518.51
544.41
642.20
647.03
647.05
652.09
653.39
653.94
660.44
660.46
660.52
660.54
660.85
660.97
661.10
661.12
661.15
661.20
661.35
661.90
661.95
662.50
664.10
676.15
676.30
678.50
680.47
680.50
680.55
680.56
682.07
682.40
682.60
683.60
684.30
684.40
684.50
684.70
685.24
685.29
685.40
685.60
685.70
686.22
686.24
686.60
688.12
688.40
694.15
694.20
694.40
694.60
709.45
710.08
710.14
710.16
710.30
710.46
711.36
711.37
711.82
711.84
711.98
712.05
712.47
712.49
715.15
720.08
727.47
727.48
727.55
745.45
772.45
772.65.

(3) Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"(f) The duty imposed under subsection (a) shall not apply to the cost of repair parts, materials, or expenses of repairs in a foreign country upon a United States civil aircraft, within the meaning of headnote 3 to Schedule 6, part 6, subpart C of the Tariff Schedules of the United States.".

Ante, p. 267.
19 USC 2135 note.
19 USC 2135.
19 USC 2101.

(b) Termination and Withdrawal.—For purposes of section 125 of the Trade Act of 1974, the amendments made under subsection (a), if any, shall be considered to be trade agreement obligations entered into under the Trade Act of 1974 of benefit to foreign countries or instrumentalities.

TITLE VII—CERTAIN AGRICULTURAL MEASURES

SEC. 701. LIMITATION ON CHEESE IMPORTS.

19 USC 1202 note.

(a) Proclamation.—The President shall by proclamation limit the amount of quota cheese which may enter the customs territory of the United States in any calendar year after 1979 to not more than 111,000 metric tons. Any such proclamation shall be considered a proclamation which is issued by the President under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) and which meets the requirements of such section.

(b) Restriction on Emergency Action.—No increase in the amount proclaimed under subsection (a) to an amount greater than 111,000 metric tons for any calendar year may be proclaimed except in accordance with section 22 of the Agricultural Adjustment Act. The President may not proclaim any such increase to an amount greater than 111,000 metric tons by use of the procedure established for immediate action by the second paragraph of subsection (b) of such section, at any time before January 1, 1983, unless the Secretary determines that extraordinary circumstances warrant such action and reports such determination to the President.

(c) Definitions.—For purposes of this title—

(1) Quota cheese.—The term "quota cheese" means the articles provided for in the following items of the Tariff Schedules of the United States:

19 USC 1202.

(A) 117.00 (except Stilton produced in the United Kingdom);

(B) 117.05 (except Stilton produced in the United Kingdom);

(C) 117.15;

(D) 117.20;

(E) 117.25;

(F) 117.40 (except Goya in original loaves);

(G) 117.55;

(H) 117.60 (except Gammelost and Nokkelost);

(I) 117.75 (except goat's milk cheeses and soft-ripened cow's milk cheeses);

(J) 117.81; and

(K) 117.85 (except goat's milk cheeses and soft-ripened cow's milk cheeses).

(2) Secretary.—The term "Secretary" means the Secretary of Agriculture.

SEC. 702. ENFORCEMENT.

(a) Determination and Listing of Subsidies.—

19 USC 1202 note.

(1) Initial determination and annual listing.—Not later than January 1, 1980, the administering authority shall—

(A) determine, in consultation with the Secretary, whether any foreign government is providing a subsidy with respect to any article of quota cheese, and

(B) publish a list of the type and the amount of each such subsidy which is determined to exist.

Not later than January 1 of each year beginning with 1981, the administering authority shall republish such list, incorporating the changes and additional subsidies determined for the preceding calendar year under paragraph (2).

(2) Quarterly determination of changes and additional subsidies.—Not later than April 1, July 1, and October 1 of each year beginning with 1980, and not later than January 1 of each year beginning with 1981, the administering authority shall determine, in consultation with the Secretary—

(A) whether any changes in the type or amount of any subsidy included in the current annual list under paragraph (1) (as modified by quarterly lists under this paragraph) have occurred, and

(B) whether any subsidy not included in such list is being provided with respect to any article of quota cheese by a foreign government, and the type and amount of any such subsidy which is determined to exist.

Not later than April 1, July 1, and October 1, the administering authority shall publish such changes and additional subsidies for the preceding calendar quarter.

(3) Additional determinations.—Any person, including the Secretary, may request the administering authority to make a determination under subparagraph (A) or (B) of paragraph (2). Not later than 30 days after receiving such a request, the

administering authority shall (A) make the determination, in consultation with the Secretary, (B) notify the person making the request of such determination, and (C) publish such modification, if any. Any such determination shall be in addition to the quarterly determinations required under paragraph (2). Requests made under this paragraph shall be supported by information reasonably available to the person requesting the determination.

(b) COMPLAINTS OF PRICE-UNDERCUTTING BY SUBSIDIZED IMPORTS.—

(1) IN GENERAL.—Any person may make a written complaint to the Secretary alleging that—

"Duty-paid wholesale price."

(A) the price at which any article of quota cheese is offered for sale in the United States on a duty-paid wholesale basis (hereinafter in this section referred to as the "duty-paid wholesale price") is less than the domestic wholesale market price of similar articles produced in the United States, and

(B) a foreign government is providing a subsidy with respect to such article of quota cheese.

(2) DETERMINATIONS.—(A) The Secretary shall investigate and determine, not later than 30 days after receiving a complaint under paragraph (1), the validity of the allegations made under paragraph (1)(A).

(B) Except as otherwise provided in this subparagraph, the existence and the type and amount of any subsidy alleged under paragraph (1)(B) shall be determined by reference to the current list, as determined and published under subsection (a). If the complaint alleges a subsidy which is not included in such current list, or which is different in type or amount from a subsidy which is included in such current list, the Secretary shall immediately request the administering authority to make a determination with respect to the subsidy pursuant to subsection (a)(3). The administering authority shall make such determination in accordance with such subsection and shall report such determination to the Secretary.

(c) REPORTS OF DETERMINATIONS.—

Publication in Federal Register.

(1) PUBLICATION.—The Secretary shall publish the determinations made under subsection (b) in the Federal Register not later than 5 days after the date on which the Secretary makes his determination under subsection (b)(2)(A).

(2) NOTIFICATION OF FOREIGN GOVERNMENT.—Whenever it is determined under subsection (b) that the duty-paid wholesale price of any article of quota cheese is less than the domestic wholesale market price of a similar article produced in the United States and that a foreign government is providing a subsidy with respect to such article of quota cheese, the Secretary shall immediately notify the Special Representative for Trade Negotiations. The Special Representative shall notify the foreign government or governments involved of such determination not later than 3 days after the date on which the Secretary makes his determination under subsection (b)(2)(A).

(3) REPORT TO PRESIDENT.—If, within 15 days after receiving notification under paragraph (2), the foreign government does not eliminate the subsidy or take such action as may be necessary to ensure that the duty-paid wholesale price of the article of quota cheese will not be less than the domestic wholesale market price of similar articles produced in the United States, the Secretary shall immediately—

(A) report the determinations under subsection (b) to the President, and

(B) recommend the imposition of a fee or quantitative limitation with respect to the importation of such article of quota cheese from the country involved, in such amount as the Secretary determines necessary.

(d) Presidential Action.—

(1) In general.—Not later than 7 days after receiving a report under subsection (c)(3) with respect to an article of quota cheese (or not later than 3 days after receiving a report under paragraph (2) of this subsection in any case in which such paragraph applies), the President shall—

Importation fee.

(A) proclaim the imposition of a fee on the importation of such article from the country involved in such amount (not to exceed the amount of the subsidy determined under subsection (b)(2)(B)) as may be necessary to ensure that the duty-paid wholesale price of such article will not be less than the domestic wholesale market price of similar articles produced in the United States, or

(B) proclaim a prohibition on the entry, in whole or part, of such article of quota cheese from such country into the United States,

and shall direct the Commissioner of Customs to administer and enforce such fee or quantitative limitation. Any fee imposed under subparagraph (A) or any quantitative limitation imposed under subparagraph (B) shall be in addition to any other fee or quantitative limitation imposed by law on the importation of quota cheese.

Report to President.

Proclamation.

(2) Additional investigation.—If the President finds that the determinations or recommendations of the Secretary reported under subsection (c)(3) are unsubstantiated by fact, he shall, not later than 7 days after receiving such report, notify the Secretary and direct him to make a further investigation. The Secretary shall, within 7 days of receiving such notification, make such investigation and report his findings to the President, including any modification in such determinations or recommendations. The President shall thereupon make the proclamation required by paragraph (1), unless the Secretary finds that there is no basis for the determinations or recommendations reported under subsection (c)(3) whether or not modified.

19 USC 1654.

(e) Administration.—Any fee or quantitative limitation proclaimed pursuant to subsection (d) and any termination or modification thereof pursuant to subsection (g) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date which is 3 days after the President makes the proclamation required by subsection (d). Such fees shall be treated for administrative purposes as duties imposed by the Tariff Act of 1930, but shall not be considered as duties for the purpose of granting any preferential concession under any law or international obligation of the United States.

Ante, p. 150.
19 USC 1303.

(f) Inapplicability of Countervailing Duties During Effective Period of Cheese Agreements.—No countervailing duty shall be imposed under title I of this Act or under section 303 of the Tariff Act of 1930 with respect to an article of quota cheese which is the product of any country at any time during which an agreement relating to cheese described in section 2(c)(8) containing a commitment from a foreign government with respect to price undercutting is in effect between the United States and such country.

(g) Termination or Modification of Presidential Action.—

(1) Termination.—If, at any time after the President takes an action under subsection (d) with respect to the importation from a foreign country of an article of quota cheese, the Secretary receives reasonable evidence and assurance that, with respect to future entries of such article into the customs territory of the United States—

(A) the duty-paid wholesale price of such article will not be less than the domestic wholesale market price of similar articles produced in the United States, or

(B) the foreign government will no longer provide a subsidy with respect to such article of quota cheese,

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the Secretary shall notify the President of such finding and the President shall, by proclamation, terminate such action with respect to the importation of such article from such country.

(2) Modification.—The Secretary shall recommend to the President such modifications of fees or quantitative limitations imposed under subsection (d) with respect to any article of quota cheese as may be necessary to ensure that the duty-paid wholesale price of such article will not be less than the domestic wholesale market price of similar articles produced in the United

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States, and the President shall, by proclamation, make such modifications. The amount of any fee, as so modified, shall not be greater than the amount of the subsidy provided by the foreign government with respect to the article of quota cheese.

(h) Definitions.—For purposes of this section—

(1) Administering authority.—The term "administering authority" has the same meaning such term has in section 771(1) of the Tariff Act of 1930.

Ante, p. 176.

(2) Subsidy.—The term "subsidy" has the same meaning such term has in section 771(5) of the Tariff Act of 1930.

(3) Domestic wholesale market, domestic wholesale market price, and duty-paid wholesale price.—The domestic wholesale market and the domestic wholesale market price of any article similar to an article of quota cheese, and the duty-paid wholesale price of any article of quota cheese shall be determined under regulations prescribed by the Secretary not later than January 1, 1980, in accordance with chapter 5 of title 5 of the United States Code.

5 USC 500 *et seq.*

SEC. 703. LIMITATION ON IMPORTS OF CHOCOLATE CRUMB.

19 USC 1202 note.

The President shall by proclamation—

19 USC 1202.

(1) increase the amount of the articles of chocolate provided for in item 950.15 of the Tariff Schedules of the United States which may enter the customs territory of the United States in any calendar year after 1979 to include—

(A) 2,000 metric tons from Australia, and

(B) one kilogram from New Zealand, and

(2) increase the amount of the articles of chocolate and the articles containing chocolate provided for in item 950.16 of the Tariff Schedules of the United States which may enter the customs territory of the United States in any calendar year after 1979 to include one kilogram from New Zealand.

Such proclamation shall be considered a proclamation which is issued by the President pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) and which meets the requirements of such section.

SEC. 704. AMENDMENTS TO MEAT IMPORT LAW.

(a) In General.—Subsection (a) of section 2 of the Act entitled "An Act to provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products" (78 Stat. 594) is amended to read as follows:

19 USC 1202 note.

19 USC 1202 note.

"(a)(1) It is the policy of the Congress that the aggregate quantity of the articles specified in items 106.10 (relating to fresh, chilled, or frozen cattle meat), 106.22 (relating to fresh, chilled, or frozen meat of sheep (except lambs)), 106.25 (relating to fresh, chilled, or frozen meat of goats), and 107.61 (relating to certain prepared fresh, chilled, or frozen beef) of the Tariff Schedules of the United States which may be imported into the United States in any calendar year beginning after December 31, 1964, should not exceed 725,400,000 pounds, increased or decreased as provided in paragraph (2).

Ante, p. 252.

"(2) The amount referred to in paragraph (1) shall be increased or decreased for any calendar year by the same percentage that estimated average annual domestic commercial production of the articles specified in items 106.10, 106.22, and 106.25 of the Tariff Schedules of the United States in that calendar year and the two preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of such articles during the years 1959 through 1963, inclusive.".

(b) Minimum Access Floor.—Paragraph (1) of subsection (c) of section 2 of such Act is amended by adding at the end thereof the following: "Notwithstanding the preceding sentence, no limitation proclaimed for a calendar year after 1979 shall be less than 1,200,000,000 pounds.".

19 USC 1202 note.

(c) Conforming Amendments.—

(1) Paragraphs (1) and (2) of subsection (b) of section 2 of such Act is amended by inserting "(1)" after "subsection (a)".

(2) Subsection (c)(1) of section 2 of such Act is amended by inserting "(1)" after "subsection (a)".

(3) Subsection (c)(3) of section 2 of such Act is amended by inserting "(1)" after "subsection (a)".

(4) Paragraphs (2) and (3) of subsection (d) of section 2 of such Act are amended by inserting "(1)" after "subsection (a)".

(d) Effective Date.—The amendment made by subsection (a) shall apply to calendar years after 1979. The amendments made by subsection (c) shall take effect on January 1, 1980.

TITLE VIII—TREATMENT OF DISTILLED SPIRITS

Subtitle A—Tax Treatment

Distilled Spirits Tax Revision Act of 1979.

SEC. 801. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) Short Title.—This subtitle may be cited as the "Distilled Spirits Tax Revision Act of 1979".

26 USC 1 note.

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

SEC. 802. REPEAL OF WINE-GALLON METHOD OF TAXING DISTILLED SPIRITS.

Paragraph (1) of section 5001(a) (relating to imposition, rate, and attachment of tax) is amended to read as follows:

26 USC 5001.

"(1) IN GENERAL.—There is hereby imposed on all distilled spirits produced in or imported into the United States a tax at the rate of $10.50 on each proof gallon and a proportionate tax at the like rate on all fractional parts of a proof gallon."

SEC. 803. REPEAL OF RECTIFICATION TAXES ON DISTILLED SPIRITS.

Repeal.
26 USC
5021-5026.

(a) GALLONAGE TAXES.—Subpart B of part I of subchapter A of chapter 51 (imposing rectification taxes) is hereby repealed.

Repeal.
26 USC
5081-5084.

(b) OCCUPATIONAL TAX.—Subpart A of part II of subchapter A of chapter 51 (imposing occupational tax on rectifiers) is hereby repealed.

SEC. 804. DETERMINATION AND PAYMENT OF TAX.

26 USC 5006.

(a) DETERMINATION.—Subsection (a) of section 5006 (relating to determination of tax) is amended to read as follows:

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the tax on distilled spirits shall be determined when the spirits are withdrawn from bond. Such tax shall be determined by such means as the Secretary shall by regulations prescribe, and with the use of such devices and apparatus (including but not limited to tanks and pipelines) as the Secretary may require. The tax on distilled spirits withdrawn from the bonded premises of a distilled spirits plant shall be determined upon completion of the gauge for determination of tax and before withdrawal from bonded premises, under such regulations as the Secretary shall prescribe.

"(2) DISTILLED SPIRITS NOT ACCOUNTED FOR.—If the Secretary finds that the distiller has not accounted for all the distilled spirits produced by him, he shall, from all the evidence he can obtain, determine what quantity of distilled spirits was actually produced by such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced at the rate of tax imposed by law for every proof gallon."

26 USC 5061.

(b) EXTENSION OF TIME FOR PAYING TAX.—Section 5061 (relating to method of collecting tax) is amended by adding at the end thereof the following new subsection:

"(d) EXTENSION OF TIME FOR COLLECTING TAX ON DISTILLED SPIRITS.—In the case of distilled spirits to which subsection (a) applies which are withdrawn from the bonded premises of a distilled spirits plant under bond for deferred payment of tax, the last day for filing a return (with remittances) for each semimonthly return period shall be determined under the following table:

"If the return period is in—	Such last day shall be—
1980	The last day of the first succeeding return period plus 5 days.
1981	The last day of the first succeeding return period plus 10 days.
1982 or any year thereafter	The last day of the second succeeding return period."

SEC. 805. ALL-IN-BOND METHOD OF DETERMINING EXCISE TAX ON DISTILLED SPIRITS.

26 USC 5171.

(a) ESTABLISHMENT OF DISTILLED SPIRITS PLANTS.—Section 5171 (relating to establishment of distilled spirits plants) is amended to read as follows:

"SEC. 5171. ESTABLISHMENT.

"(a) CERTAIN OPERATIONS MAY BE CONDUCTED ONLY ON BONDED PREMISES.—Except as otherwise provided by law, operations as a distiller, warehouseman, or processor may be conducted only on the bonded premises of a distilled spirits plant by a person who is qualified under this subchapter.

"(b) ESTABLISHMENT OF DISTILLED SPIRITS PLANT.—A distilled spirits plant may be established only by a person who intends to conduct at such plant operations as a distiller, as a warehouseman, or as both.

"(c) REGISTRATION.—

"(1) IN GENERAL.—Each person shall, before commencing operations at a distilled spirits plant (and at such other times as the Secretary may by regulations prescribe), make application to the Secretary for, and receive notice of, the registration of such plant.

"(2) APPLICATION REQUIRED WHERE NEW OPERATIONS ARE ADDED.—No operation in addition to those set forth in the application made pursuant to paragraph (1) may be conducted at a distilled spirits plant until the person has made application to the Secretary for, and received notice of, the registration of such additional operation.

"(3) SECRETARY MAY ESTABLISH MINIMUM CAPACITY AND LEVEL OF ACTIVITY REQUIREMENTS.—The Secretary may by regulations prescribe for each type of operation minimum capacity and level of activity requirements for qualifying premises as a distilled spirits plant.

"(4) APPLICANT MUST COMPLY WITH LAW AND REGULATIONS.—No plant (or additional operation) shall be registered under this section until the applicant has complied with the requirements of law and regulations in relation to the qualification of such plant (or additional operation).

"(d) PERMITS.—

"(1) REQUIREMENTS.—Each person required to file an application for registration under subsection (c) whose distilled spirits operations (or any part thereof) are not required to be covered by a basic permit under the Federal Alcohol Administration Act (27 U.S.C. secs. 203 and 204) shall, before commencing the operations (or part thereof) not so covered, apply for and obtain a permit under this subsection from the Secretary to engage in such operations (or part thereof). Subsections (b), (c), (d), (e), (f), (g), and (h) of section 5271 are hereby made applicable to persons filing applications and permits required by or issued under this subsection.

"(2) EXCEPTIONS FOR AGENCIES OF A STATE OR POLITICAL SUBDIVISIONS.—Paragraph (1) shall not apply to any agency of a State or political subdivision thereof or to any officer or employee of any such agency, and no such agency, officer, or employee shall be required to obtain a permit thereunder.

"(e) CROSS REFERENCES.—

"(1) For penalty for failure of a distiller or processor to file application for registration as required by this section, see section 5601(a)(2).

"(2) For penalty for the filing of a false application by a distiller, warehouseman, or processor of distilled spirits, see section 5601(a)(3)."

(b) CHANGES IN PROVISIONS RELATING TO FACILITIES ON BONDED PREMISES OF DISTILLED SPIRITS PLANTS.—

(1) Paragraphs (2), (3), (4), and (5) of section 5178(a) (relating to location, construction, and arrangement on premises of distilled spirits plants) are amended to read as follows: 26 USC 5178.

"(2) PRODUCTION OPERATIONS.—

"(A) Any person establishing a distilled spirits plant may, as described in his application for registration, produce distilled spirits from any source or substance.

"(B) The distilling system shall be continuous and shall be so designed and constructed and so connected as to prevent the unauthorized removal of distilled spirits before their production gauge.

"(C) The Secretary is authorized to order and require—

"(i) such identification of, changes of, and additions to, distilling apparatus, connecting pipes, pumps, tanks, and any machinery connected with or used in or on the premises, and

"(ii) such fastenings, locks, and seals to be part of any of the stills, tubs, pipes, tanks, and other equipment,

as he may deem necessary to facilitate inspection and afford adequate security to the revenue.

"(3) WAREHOUSING OPERATIONS.—

"(A) Any person establishing a distilled spirits plant for the production of distilled spirits may, as described in the application for registration, warehouse bulk distilled spirits on the bonded premises of such plant.

"(B) Distilled spirits plants for the bonded warehousing of bulk distilled spirits elsewhere than as described in subparagraph (A) may be established at the discretion of the Secretary by proprietors referred to in subparagraph (A) or by other persons under such regulations as the Secretary shall prescribe.

"(4) PROCESSING OPERATIONS.—Any person establishing a distilled spirits plant may, as described in the application for registration, process distilled spirits on the bonded premises of such plant."

26 USC 5212. (2) Section 5212 (relating to transfer of distilled spirits between bonded premises) is amended—

(A) by striking out "Distilled spirits" and inserting in lieu thereof "Bulk distilled spirits", and

(B) by striking out "distilled spirits" and inserting in lieu thereof "bulk distilled spirits".

26 USC 5173. (c) BONDS.—Section 5173 (relating to qualification bonds) is amended to read as follows:

"SEC. 5173. BONDS.

"(a) OPERATIONS AT, AND WITHDRAWALS FROM, DISTILLED SPIRITS PLANT MUST BE COVERED BY BOND.—

"(1) OPERATIONS.—No person intending to establish a distilled spirits plant may commence operations at such plant unless such person has furnished bond covering operations at such plant.

"(2) WITHDRAWALS.—No distilled spirits (other than distilled spirits withdrawn under section 5214 or 7510) may be withdrawn from bonded premises except on payment of tax unless the proprietor of the bonded premises has furnished bond covering such withdrawal.

"(b) OPERATIONS BONDS.—The bond required by paragraph (1) of subsection (a) shall meet the requirements of paragraph (1), (2), or (3) of this subsection:

"(1) ONE PLANT BOND.—The bond covers operations at a single distilled spirits plant.

"(2) Adjacent wine cellar bond.—The bond covers operations at a distilled spirits plant and at an adjacent bonded wine cellar.

"(3) Area bond.—The bond covers operations at 2 or more distilled spirits plants (and adjacent bonded wine cellars) which—

"(A) are located in the same geographical area (as designated in regulations prescribed by the Secretary), and

"(B) are operated by the same person (or, in the case of a corporation, by such corporation and its controlled subsidiaries).

"(c) Withdrawal Bonds.—The bond required by paragraph (2) of subsection (a) shall cover withdrawals from 1 or more bonded premises the operations at which could be covered by the same operations bond under subsection (b).

"(d) Unit Bonds.—Under regulations prescribed by the Secretary, the requirements of paragraphs (1) and (2) of subsection (a) shall be treated as met by a unit bond which covers both operations at, and withdrawals from, 1 or more bonded premises which could be covered by the same operations bond under subsection (b).

"(e) Terms and Conditions.—

"(1) In general.—Any bond furnished under this section shall be conditioned that the person furnishing the bond—

"(A) will faithfully comply with all provisions of law and regulations relating to the activities covered by such bond, and

"(B) will pay—

"(i) all taxes imposed by this chapter, and

"(ii) all penalties incurred by, or fines imposed on, such person for violation of any such provision.

"(2) Other terms and conditions.—Any bond furnished under this section shall contain such other terms and conditions as may be required by regulations prescribed by the Secretary.

"(f) Amount.—

"(1) In general.—The penal sum of any bond shall be the amount determined under regulations prescribed by the Secretary.

"(2) Maximum and minimum amount.—The Secretary shall by regulations prescribe a minimum amount and a maximum amount for each type of bond which may be furnished under this section.

"(g) Total Amount Available.—The total amount of any bond furnished under this section shall be available for the satisfaction of any liability incurred under the terms and conditions of such bond.

"(h) Special Rules.—For purposes of this section—

"(1) Withdrawal bonds.—In the case of any bond furnished under this section which covers withdrawals but not operations—

"(A) such bond shall be in addition to the operations bond, and

"(B) if distilled spirits are withdrawn under such bond, the operations bond shall no longer cover liability for payment of the tax on the spirits withdrawn.

"(2) Adjacent wine cellars.—

"(A) Requirements.—No wine cellar shall be treated as being adjacent to a distilled spirits plant unless—

"(i) such distilled spirits plant is qualified under this subchapter for the production of distilled spirits, and "(ii) such wine cellar and the distilled spirits plant are operated by the same person (or, in the case of a corporation, by such corporation and its controlled subsidiaries).

"(B) BOND IN LIEU OF WINE CELLAR BOND.—In the case of any adjacent wine cellar, a bond furnished under this section which covers operations at such wine cellar shall be in lieu of any bond which would otherwise be required under section 5354 with respect to such wine cellar (other than supplemental bonds required under the second sentence of section 5354)."

26 USC 5354.

(d) ALCOHOLIC INGREDIENTS ADDED TO DISTILLED SPIRITS TAXED AS DISTILLED SPIRITS.—Paragraph (2) of section 5001(a) (relating to products containing distilled spirits) is amended to read as follows:

26 USC 5001.

"(2) PRODUCTS CONTAINING DISTILLED SPIRITS.—All products of distillation, by whatever name known, which contain distilled spirits, on which the tax imposed by law has not been paid, and any alcoholic ingredient added to such products, shall be considered and taxed as distilled spirits."

26 USC 5002.

(e) DEFINITIONS.—Section 5002 (relating to definitions) is amended to read as follows:

"SEC. 5002. DEFINITIONS.

"(a) IN GENERAL.—For purposes of this chapter—

"(1) DISTILLED SPIRITS PLANT.—The term 'distilled spirits plant' means an establishment which is qualified under subchapter B to perform any distilled spirits operation.

"(2) DISTILLED SPIRITS OPERATION.—The term 'distilled spirits operation' means any operation for which qualification is required under subchapter B.

"(3) BONDED PREMISES.—The term 'bonded premises', when used with respect to distilled spirits, means the premises of a distilled spirits plant, or part thereof, on which distilled spirits operations are authorized to be conducted.

"(4) DISTILLER.—The term 'distiller' includes any person who—

"(A) produces distilled spirits from any source or substance,

"(B) brews or makes mash, wort, or wash fit for distillation or for the production of distilled spirits (other than the making or using of mash, wort, or wash in the authorized production of wine or beer, or the production of vinegar by fermentation),

"(C) by any process separates alcoholic spirits from any fermented substance, or

"(D) making or keeping mash, wort, or wash, has a still in his possession or use.

"(5) PROCESSOR.—

"(A) IN GENERAL.—The term 'processor', when used with respect to distilled spirits, means any person who—

"(i) manufactures, mixes, or otherwise processes distilled spirits, or

"(ii) manufactures any article.

"(B) RECTIFIER, BOTTLER, ETC., INCLUDED.—The term 'processor' includes (but is not limited to) a rectifier, bottler, and denaturer.

"(6) CERTAIN OPERATIONS NOT TREATED AS PROCESSING.—In applying paragraph (5), there shall not be taken into account—

"(A) OPERATIONS AS DISTILLER.—Any process which is the operation of a distiller.

"(B) MIXING OF TAXPAID SPIRITS FOR IMMEDIATE CONSUMPTION.—Any mixing (after determination of tax) of distilled spirits for immediate consumption.

"(C) USE BY APOTHECARIES.—Any process performed by an apothecary with respect to distilled spirits which such apothecary uses exclusively in the preparation or making up of medicines unfit for use for beverage purposes.

"(7) WAREHOUSEMAN.—The term 'warehouseman', when used with respect to distilled spirits, means any person who stores bulk distilled spirits.

"(8) DISTILLED SPIRITS.—The terms 'distilled spirits', 'alcoholic spirits', and 'spirits' mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form (including all dilutions and mixtures thereof from whatever source or by whatever process produced).

"(9) BULK DISTILLED SPIRITS.—The term 'bulk distilled spirits' means distilled spirits in a container having a capacity in excess of 1 wine gallon.

"(10) PROOF SPIRITS.—The term 'proof spirits' means that liquid which contains one-half its volume of ethyl alcohol of a specific gravity of 0.7939 at 60 degrees Fahrenheit (referring to water at 60 degrees Fahrenheit as unity).

"(11) PROOF GALLON.—The term 'proof gallon' means a United States gallon of proof spirits, or the alcoholic equivalent thereof.

"(12) CONTAINER.—The term 'container', when used with respect to distilled spirits, means any receptacle, vessel, or form of package, bottle, tank, or pipeline used, or capable of use, for holding, storing, transferring, or conveying distilled spirits.

"(13) APPROVED CONTAINER.—The term 'approved container', when used with respect to distilled spirits, means a container the use of which is authorized by regulations prescribed by the Secretary.

"(14) ARTICLE.—Unless another meaning is distinctly expressed or manifestly intended, the term 'article' means any substance in the manufacture of which denatured distilled spirits are used.

"(15) EXPORT.—The terms 'export', 'exported', and 'exportation' include shipments to a possession of the United States.

"(b) CROSS REFERENCES.—

"(1) For definition of wine gallon, see section 5041(c).
"(2) For definition of manufacturer of stills, see section 5102.
"(3) For definition of dealer, see section 5112(a).
"(4) For definitions of wholesale dealers, see section 5112.
"(5) For definitions of retail dealers, see section 5122.
"(6) For definitions of general application to this title, see chapter 79."

SEC. 806. REMOVAL OF REQUIREMENT OF ON-SITE INSPECTION.

(a) SUPERVISION OF OPERATIONS.—Section 5202 (relating to supervision of operations) is amended to read as follows: 26 USC 5202.

"SEC. 5202. SUPERVISION OF OPERATIONS.

"All operations on the premises of a distilled spirits plant shall be conducted under such supervision and controls (including the use of Government locks and seals) as the Secretary shall by regulations prescribe."

(b) REMOVAL OF REQUIREMENT THAT REVENUE OFFICERS MUST BE ASSIGNED TO THE PREMISES.—The first sentence of subsection (a) of

26 USC 5221.

section 5221 (relating to commencement, suspension, and resumption of operations) is amended by striking out "until an internal revenue officer has been assigned to the premises" and inserting in lieu thereof "until written notice has been given to the Secretary stating when operations will begin".

SEC. 807. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TECHNICAL AND CONFORMING AMENDMENTS.—

26 USC 5003.

(1) SECTION 5003.—

(A) Paragraph (9) of section 5003 (relating to cross references to exemptions, etc.) is amended by striking out "section 5522(a) and".

(B) Section 5003 is amended by redesignating paragraph (15) as paragraph (17) and by inserting after paragraph (14) the following new paragraphs:

"(15) For provisions authorizing the withdrawal of distilled spirits without payment of tax for transfer to manufacturing bonded warehouses for manufacturing for export, see section 5214(a)(6).

"(16) For provisions authorizing the withdrawal of articles from the bonded premises of a distilled spirits plant free of tax when contained in an article, see section 5214(a)(11)."

26 USC 5004.

(2) SECTION 5004.—

(A) Subsection (b) of section 5004 (relating to other property subject to lien) is hereby repealed.

(B) Subsection (c) of section 5004 is redesignated as subsection (b).

(C) Subparagraph (B) of section 5004(a)(2) is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (11)".

26 USC 5005.

(3) SECTION 5005.—

(A) Subsection (c) of section 5005 (relating to proprietors of distilled spirits plants) is amended by striking out paragraph (3) thereof.

(B) Subsection (d) of section 5005 is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (11)".

(C) Paragraph (1) of section 5005(f) is amended to read as follows:

"(1) For provisions requiring bond covering operations at, and withdrawals from, distilled spirits plants, see section 5173."

(D) Subsection (f) of section 5005 is amended by adding at the end thereof the following new paragraph:

"(6) For provisions relating to transfer of tax liability for wine, see section 5043(a)(1)(A)."

26 USC 5006.

(4) SECTION 5006.—

(A) The first sentence of paragraph (1) of section 5006(b) is amended by striking out ", notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered in storage in such cask or package has not expired, except" and inserting in lieu thereof "; except".

(B) Subsection (b) of section 5006 is amended by striking out "in storage in internal revenue bond" each place it appears and inserting in lieu thereof "on bonded premises".

26 USC 5007.

(5) SECTION 5007.—Subsection (a) of section 5007 (relating to tax on distilled spirits removed from bonded premises) is amended to read as follows:

"(a) TAX ON DISTILLED SPIRITS REMOVED FROM BONDED PREMISES.—The tax on domestic distilled spirits and on distilled spirits removed from customs custody under section 5232 shall be paid in accordance with section 5061." 26 USC 5232, 5061.

(6) SECTION 5008.— 26 USC 5008.

(A) Paragraph (1) of section 5008(a) (relating to distilled spirits lost or destroyed in bond) is amended—

(i) by striking out "and" at the end of subparagraph (A),

(ii) by striking out "subsection (b)(1)." at the end of subparagraph (B) and inserting in lieu thereof "subsection (b); and", and

(iii) by adding at the end thereof the following new subparagraph:

"(C) UNEXPLAINED SHORTAGE.—In the case of an unexplained shortage of bottled distilled spirits."

(B) Paragraph (5) of section 5008(a) is amended to read as follows:

"(5) APPLICABILITY.—The provisions of this subsection shall extend to and apply in respect of distilled spirits lost after the tax was determined and before completion of the physical removal of the distilled spirits from the bonded premises."

(C) Section 5008 is amended by striking out subsections (b), (c), (d), and (e) and by inserting in lieu thereof the following:

"(b) VOLUNTARY DESTRUCTION.—The proprietor of the distilled spirits plant or other persons liable for the tax imposed by this chapter or by section 7652 with respect to any distilled spirits in bond may voluntarily destroy such spirits, but only if such destruction is under such supervision and under such regulations as the Secretary may prescribe.

"(c) DISTILLED SPIRITS RETURNED TO BONDED PREMISES.—

"(1) IN GENERAL.—Whenever any distilled spirits withdrawn from bonded premises on payment or determination of tax are returned to the bonded premises of a distilled spirits plant under section 5215(a), the Secretary shall abate or (without interest) credit or refund the tax imposed under section 5001(a)(1) (or the tax equal to such tax imposed under section 7652) on the spirits so returned.

"(2) CLAIM MUST BE FILED WITHIN 6 MONTHS OF RETURN OF SPIRITS.—No allowance under paragraph (1) may be made unless claim therefor is filed within 6 months of the date of the return of the spirits. Such claim may be filed only by the proprietor of the distilled spirits plant to which the spirits were returned, and shall be filed in such form as the Secretary may by regulations prescribe."

(D) Section 5008 is amended by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively.

(E) Subsection (e) of section 5008 (as redesignated by subparagraph (D)) is amended—

(i) by striking out "subsections (b)(2), (c), and (d)," and inserting in lieu thereof "subsection (c),", and

(ii) by striking out "under such subsections" and inserting in lieu thereof "under such subsection".

(7) SECTION 5009.—Section 5009 (relating to drawback) is hereby repealed. Repeal. 26 USC 5009.

(8) SECTION 5043.—Subparagraph (A) of section 5043(a)(1) (relating to collection of taxes on wines) is amended by striking out "between bonded wine cellars". 26 USC 5043.

(9) SECTION 5061.— 26 USC 5061.

26 USC 5061. (A) The first sentence of subsection (a) of section 5061 (relating to method of collecting tax) and the first sentence of subsection (b) of section 5061 are each amended by striking out "rectified distilled spirits and wines,".

(B) Subsection (b) of section 5061 is amended by striking out paragraph (3) and by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively.

26 USC 5064. (10) SECTION 5064.—Section 5064 (relating to losses resulting from disaster, vandalism, or malicious mischief) is amended—

(A) by striking out "rectified products," each place it appears, and

(B) by striking out "RECTIFIED PRODUCTS," in the heading of subsection (c).

26 USC 5066. (11) SECTION 5066.—

(A) The first sentence of paragraph (1) of section 5066(a) (relating to distilled spirits for use of foreign embassies, legations, etc.) is amended by striking out "distilled spirits bottled in bond for export under the provisions of section 5233, or bottled distilled spirits returned to bonded premises under section 5215(b)," and inserting in lieu thereof "bottled distilled spirits".

(B) Subsection (b) of section 5066 is amended by striking out "or domestic distilled spirits transferred to customs bonded warehouses under section 5521(d)(2)".

26 USC 5116. (12) SECTION 5116.—Paragraph (1) of section 5116(b) (relating to cross references) is amended by striking out "section 5205(a)(2)" and inserting in lieu thereof "section 5205(a)(1)".

26 USC 5172. (13) SECTION 5172.—Section 5172 (relating to application for registration) is amended by striking out "section 5171(a)" and inserting in lieu thereof "section 5171(c)".

Repeal. 26 USC 5174. (14) SECTION 5174.—Section 5174 (relating to withdrawal bonds) is hereby repealed.

26 USC 5175. (15) SECTION 5175.—

(A) Subsection (a) of section 5175 (relating to export bonds) is amended by striking out "for storage therein pending exportation".

(B) Subsection (b) of section 5175 (relating to export bonds) is amended to read as follows:

"(b) EXCEPTION WHERE PROPRIETOR WITHDRAWS SPIRITS FOR EXPORTATION.—In the case of distilled spirits withdrawn from bonded premises by the proprietor for exportation without payment of tax, the bond of such proprietor required to be furnished under paragraph (1) of section 5173(a) covering such premises shall cover such exportation, and subsection (a) shall not apply." 26 USC 5173.

26 USC 5176. (16) SECTION 5176.—

(A) Subsection (a) of section 5176 (relating to new or renewed bonds) is amended by striking out ", 5174,".

(B) Subsection (b) of section 5176 is amended to read as follows:

"(b) BONDS.—If the proprietor of a distilled spirits plant fails or refuses to furnish a bond required under paragraph (1) of section 5173(a) or to renew the same, and neglects to immediately withdraw the spirits and pay the tax thereon, the Secretary shall proceed to collect the tax."

26 USC 5177. (17) SECTION 5177.—Subsection (a) of section 5177 (relating to other provisions relating to bonds) is amended by striking out ", 5174,".

(18) SECTION 5178.—Subparagraph (A) of section 5178(a)(1) (relating to premises of distilled spirits plant) is amended by striking out "section 5171(a)" and inserting in lieu thereof "section 5171(c)". 26 USC 5178.

(19) SECTION 5180.—The first sentence of subsection (a) of section 5180 (relating to signs) is amended to read as follows: "Every person engaged in distilled spirits operations shall place and keep conspicuously on the outside of his place of business a sign showing the name of such person and denoting the business, or businesses, in which engaged." 26 USC 5180.

(20) SECTION 5181.—Section 5181 (relating to cross references) is amended by striking out "as rectifier, see section 5081, or". 26 USC 5181.

(21) SECTION 5201.—Subsection (a) of section 5201 (relating to regulation of operations) is amended to read as follows: 26 USC 5201.

"(a) IN GENERAL.—Proprietors of distilled spirits plants shall conduct all operations authorized to be conducted on the premises of such plants under such regulations as the Secretary shall prescribe."

(22) SECTION 5203.— 26 USC 5203.

(A) The first sentence of section 5203(b) (relating to entry and examination of premises) is amended by striking out "where distilled spirits are produced or rectified" and inserting in lieu thereof "where distilled spirits operations are carried on".

(B) The last sentence of section 5203(c) is amended by striking out "not under the control of the internal revenue officer in charge" and inserting in lieu thereof "on such premises".

(C) The first sentence of section 5203(d) is amended by striking out "where distilled spirits are produced or rectified" and inserting in lieu thereof "where distilled spirits operations are carried on".

(23) SECTION 5204.—Subsection (a) of section 5204 (relating to gauging) is amended by striking out ", in addition to those specified in section 5202(f),". 26 USC 5204.

(24) SECTION 5205.— 26 USC 5205.

(A) Subsection (a) of section 5205 (relating to stamps) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(B) Paragraph (1) of section 5205(a) (as redesignated by subparagraph (A)) is amended—

(i) by striking out "OTHER" in the heading, and

(ii) by striking out subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(C) Paragraph (2) of section 5205(c) is amended by striking out the last sentence.

(D) Section 5205 is amended by striking out subsection (d) and by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(E) Subsection (h) of section 5205 (as redesignated by subparagraph (D)) is amended by striking out paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(25) SECTION 5207.—Section 5207 (relating to records and reports) is amended to read as follows: 26 USC 5207.

26 USC 5207.

"SEC. 5207. RECORDS AND REPORTS.

"(a) RECORDS OF DISTILLED SPIRITS PLANT PROPRIETORS.—Every distilled spirits plant proprietor shall keep records in such form and manner as the Secretary shall by regulations prescribe of:

"(1) The following production activities—

"(A) the receipt of materials intended for use in the production of distilled spirits, and the use thereof,

"(B) the receipt and use of distilled spirits received for redistillation, and

"(C) the kind and quantity of distilled spirits produced.

"(2) The following storage activities—

"(A) the kind and quantity of distilled spirits, wines, and alcoholic ingredients entered into storage,

"(B) the kind and quantity of distilled spirits, wines, and alcoholic ingredients removed, and the purpose for which removed, and

"(C) the kind and quantity of distilled spirits returned to storage.

"(3) The following denaturation activities—

"(A) the kind and quantity of denaturants received and used or otherwise disposed of,

"(B) the kind and quantity of distilled spirits denatured, and

"(C) the kind and quantity of denatured distilled spirits removed.

"(4) The following processing activities—

"(A) all distilled spirits, wines, and alcoholic ingredients received or transferred,

"(B) the kind and quantity of distilled spirits packaged or bottled,

"(C) the kind and quantity of distilled spirits removed from his premises, and

"(D) the receipt, use, and balance on hand of all stamps required by law or regulations to be used by him.

"(5) Such additional information with respect to activities described in paragraphs (1), (2), (3), and (4), and with respect to other activities, as may by regulations be required.

"(b) REPORTS.—Every person required to keep records under subsection (a) shall render such reports covering his operations, at such times and in such form and manner and containing such information, as the Secretary shall by regulations prescribe.

"(c) PRESERVATION AND INSPECTION.—The records required by subsection (a) and a copy of each report required by subsection (b) shall be kept on the premises where the operations covered by the record are carried on and shall be available for inspection by any internal revenue officer during business hours, and shall be preserved by the person required to keep such records and reports for such period as the Secretary shall by regulations prescribe.

"(d) PENALTY.—

"For penalty and forfeiture for refusal or neglect to keep records required under this section, or for false entries therein, see sections 5603 and 5615(5)."

26 USC 5211.

(26) SECTION 5211.—

(A) Paragraph (1) of the third sentence of section 5211 (relating to production and entry of distilled spirits) is amended to read as follows:

"(1) deposit of such spirits on bonded premises for storage or processing;".

26 USC 5211.

(B) The third sentence of section 5211 is amended by inserting "and" at the end of paragraph (3), by striking out "; or" at the end of paragraph (4) and inserting in lieu thereof a period, and by striking out paragraph (5).

26 USC 5213.

(27) SECTION 5213.—The text of section 5213 (relating to withdrawal of distilled spirits from bonded premises on determination of tax) is amended to read as follows:

"Subject to the provisions of section 5173, distilled spirits may be withdrawn from the bonded premises of a distilled spirits plant on payment or determination of tax thereon, in approved containers, under such regulations as the Secretary shall prescribe."

26 USC 5214.

(28) SECTION 5214.—

(A) Paragraph (6) of section 5214(a) is amended to read as follows:

"(6) without payment of tax for transfer to manufacturing bonded warehouses for manufacturing in such warehouses for export, as authorized by law; or".

(B) Paragraph (9) of section 5214(a) (relating to withdrawal of distilled spirits from bonded premises free of tax or without payment of tax) is amended by striking out "in the case of distilled spirits bottled in bond for export under section 5233 or distilled spirits returned to bonded premises under section 5215(b),".

(C) Paragraph (10) of section 5214(a) is amended by striking out "distillery operations" and inserting in lieu thereof "distilled spirits operations".

(D) Subsection (a) of section 5214 is amended by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; or", and by adding at the end thereof the following new paragraph:

"(11) free of tax when contained in an article (within the meaning of section 5002(a)(14))."

(E) Subsection (b) of section 5214 is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) For provisions relating to withdrawal of distilled spirits without payment of tax for manufacture in manufacturing bonded warehouse, see 19 U.S.C. 1311."

26 USC 5215.

(29) SECTION 5215.—Section 5215 (relating to return of tax determined distilled spirits to bonded premises) is amended to read as follows:

"SEC. 5215. RETURN OF TAX DETERMINED DISTILLED SPIRITS TO BONDED PREMISES.

"(a) GENERAL RULE.—Under such regulations as the Secretary may prescribe, distilled spirits on which tax has been determined or paid may be returned to the bonded premises of a distilled spirits plant but only for destruction, denaturation, redistillation, reconditioning, or rebottling.

"(b) APPLICABILITY OF CHAPTER TO DISTILLED SPIRITS RETURNED TO A DISTILLED SPIRITS PLANT.—All provisions of this chapter applicable to distilled spirits in bond shall be applicable to distilled spirits returned to bonded premises under the provisions of this section on such return.

"(c) RETURN OF BOTTLED DISTILLED SPIRITS FOR RELABELING AND RESTAMPING.—Under such regulations as the Secretary shall prescribe, bottled distilled spirits withdrawn from bonded premises may be returned to bonded premises for relabeling or restamping, and the tax under section 5001 shall not again be collected on such spirits.

"(d) CROSS REFERENCE.—

"For provisions relating to the abatement, credit, or refund of tax on distilled spirits returned to a distilled spirits plant under this section, see section 5008(c)."

26 USC 5222.

(30) SECTION 5222.—Subsection (c) of section 5222 (relating to processing of distilled spirits containing extraneous substances) is amended by striking out ", in the production facilities of a distilled spirits plant".

26 USC 5223.

(31) SECTION 5223.—

(A) Subsection (c) of section 5223 (relating to redistillation of articles and residue) is amended by inserting "or on the bonded premises of a distilled spirits plant" after "subchapter D".

(B) Subsection (e) of section 5223 is amended by striking out the last sentence thereof.

26 USC 5231.

(32) SECTION 5231.—Section 5231 (relating to entry for deposit in storage) is amended to read as follows:

"SEC. 5231. ENTRY FOR DEPOSIT.

"All distilled spirits entered for deposit on the bonded premises of a distilled spirits plant under section 5211 shall, under such regulations as the Secretary shall prescribe, be deposited in the facilities on the bonded premises designated in the entry for deposit."

26 USC 5232.

(33) SECTION 5232.—Subsection (b) of section 5232 (relating to imported distilled spirits) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

26 USC 5233.

(34) SECTION 5233.—Section 5233 (relating to bottling of distilled spirits in bond) is hereby repealed.

26 USC 5234.

(35) SECTION 5234.—Section 5234 (relating to mingling and blending of distilled spirits) is hereby repealed.

26 USC 5235.

(36) SECTION 5235.—The second sentence of section 5235 (relating to bottling of alcohol for industrial purposes) is amended to read as follows: "The provisions of section 5205(a)(1) shall not apply to alcohol bottled, stamped, and labeled as such under this section."

26 USC 5241.

(37) SECTION 5241.—Section 5241 (relating to authority to denature) is amended to read as follows:

"SEC. 5241. AUTHORITY TO DENATURE.

"Under such regulations as the Secretary shall prescribe, distilled spirits may be denatured on the bonded premises of a distilled spirits plant qualified for the processing of distilled spirits. Distilled spirits to be denatured under this section shall be of such kind and such degree of proof as the Secretary shall by regulations prescribe. Distilled spirits denatured under this section may be used on the bonded premises of a distilled spirits plant in the manufacture of any article."

Repeal.
26 USC 5251, 5252.

(38) SECTIONS 5251 AND 5252.—Part III of subchapter C of chapter 51 (sections 5251 and 5252, relating to operations on bottling premises) is hereby repealed.

26 USC 5273.

(39) SECTION 5273.—Paragraph (3) of section 5273(e) (relating to sale, use, and recovery of denatured distilled spirits) is amended by striking out "section 5002(a)(11)" and inserting in lieu thereof "section 5002(a)(14)".

26 USC 5291.

(40) SECTION 5291.—Subsection (b) of section 5291 is amended—

(A) by striking out "section 5002(a)(6)" in paragraph (1) and inserting in lieu thereof "section 5002(a)(8)", and 26 USC 5002.

(B) by striking out "section 5002(a)(11)" in paragraph (2) and inserting in lieu thereof "section 5002(a)(14)".

(41) SECTION 5301.—Paragraph (1) of section 5301(a) is amended by striking out "section 5002(a)(6)" and inserting in lieu thereof "section 5002(a)(8)". 26 USC 5301.

(42) SECTION 5352.—The first sentence of section 5352 (relating to taxpaid wine bottling house) is amended by striking out "at premises other than the bottling premises of a distilled spirits plant". 26 USC 5352.

(43) SECTION 5361.—Section 5361 (relating to bonded wine cellar operations) is amended by striking out "or receive on standard wine premises only" and inserting in lieu thereof "or receive on wine premises". 26 USC 5361.

(44) SECTION 5362.—Subsection (b) of section 5362 (relating to transfers of wine between bonded wine cellars) is amended to read as follows: 26 USC 5362.

"(b) TRANSFERS OF WINE BETWEEN BONDED PREMISES.—

"(1) IN GENERAL.—Wine on which the tax has not been paid or determined may, under such regulations as the Secretary shall prescribe, be transferred in bond between bonded premises.

"(2) WINE TRANSFERRED TO A DISTILLED SPIRITS PLANT MAY NOT BE REMOVED FOR CONSUMPTION OR SALE AS WINE.—Any wine transferred to the bonded premises of a distilled spirits plant—

"(A) may be used in the manufacture of a distilled spirits product, and

"(B) may not be removed from such bonded premises for consumption or sale as wine.

"(3) CONTINUED LIABILITY FOR TAX.—The liability for tax on wine transferred to the bonded premises of a distilled spirits plant pursuant to paragraph (1) shall (except as otherwise provided by law) continue until the wine is used in a distilled spirits product.

"(4) TRANSFER IN BOND NOT TREATED AS REMOVAL FOR CONSUMPTION OR SALE.—For purposes of this chapter, the removal of wine for transfer in bond between bonded premises shall not be treated as a removal for consumption or sale.

"(5) BONDED PREMISES.—For purposes of this subsection, the term 'bonded premises' means a bonded wine cellar or the bonded premises of a distilled spirits plant."

(45) SECTION 5363.—Section 5363 (relating to taxpaid wine bottling house operations) is amended by striking out the last 2 sentences thereof. 26 USC 5363.

(46) SECTION 5364.—Section 5364 (relating to standard wine premises) is hereby repealed. Repeal. 26 USC 5364.

(47) SECTION 5365.—Section 5365 (relating to segregation of operations) is amended to read as follows: 26 USC 5365.

"SEC. 5365. SEGREGATION OF OPERATIONS.

"The Secretary may require by regulations such segregation of operations within the premises, by partitions or otherwise, as may be necessary to prevent jeopardy to the revenue, to prevent confusion between untaxpaid wine operations and such other operations as are authorized in this subchapter, to prevent substitution with respect to the several methods of producing effervescent wines, and to prevent the commingling of standard wines with other than standard wines."

26 USC 5381.

(48) SECTION 5381.—The last sentence of section 5381 (relating to natural wine) is amended to read as follows: "Any wine conforming to such definition except for having become substandard by reason of its condition shall be deemed not to be natural wine, unless the condition is corrected."

26 USC 5391.

(49) SECTION 5391.—Section 5391 (relating to exemption from rectifying and spirits taxes) is amended to read as follows:

"SEC. 5391. EXEMPTION FROM DISTILLED SPIRITS TAXES.

"Notwithstanding any other provision of law, the tax imposed by section 5001 on distilled spirits shall not, except as provided in this subchapter, be assessed, levied, or collected from the proprietor of any bonded wine cellar with respect to his use of wine spirits in wine production, in such premises; except that, whenever wine or wine spirits are used in violation of this subchapter, the applicable tax imposed by section 5001 shall be collected unless the proprietor satisfactorily shows that such wine or wine spirits were not knowingly used in violation of law."

Repeal.
26 USC 5521–5523.

(50) SECTIONS 5521, 5522, AND 5523.—Part III of subchapter H of chapter 51 (sections 5521, 5522, and 5523, relating to manufacturing bonded warehouses) is hereby repealed.

26 USC 5551.

(51) SECTION 5551.—Subsection (a) of section 5551 (relating to general provisions relating to bonds) is amended by striking out "bonded warehouseman, rectifier," each place it appears and inserting in lieu thereof "warehouseman, processor,".

26 USC 5601.

(52) SECTION 5601.—

(A) Paragraph (2) of section 5601(a) (relating to criminal penalties) is amended to read as follows:

"(2) FAILURE TO FILE APPLICATION.—engages in the business of a distiller or processor without having filed application for and received notice of registration, as required by section 5171(c); or".

(B) Paragraphs (3) and (5) of section 5601(a) are each amended by striking out "bonded warehouseman, rectifier, or bottler" and inserting in lieu thereof "warehouseman, or processor".

(C) Paragraph (4) of section 5601(a) is amended to read as follows:

"(4) FAILURE OR REFUSAL OF DISTILLER, WAREHOUSEMAN, OR PROCESSOR TO GIVE BOND.—carries on the business of a distiller, warehouseman, or processor without having given bond as required by law; or".

(D) Paragraph (10) of section 5601(a) is amended to read as follows:

"(10) UNLAWFUL PROCESSING.—engages in or carries on the business of a processor—

"(A) with intent to defraud the United States of any tax on the distilled spirits processed by him; or

"(B) with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits; or".

(E) Paragraph (11) of section 5601(a) is amended to read as follows:

"(11) UNLAWFUL PURCHASE, RECEIPT, OR PROCESSING OF DISTILLED SPIRITS.—purchases, receives, or processes any distilled spirits, knowing or having reasonable grounds to believe that any tax due on such spirits has not been paid or determined as required by law; or".

(F) Subsection (b) of section 5601 is amended by striking out "rectifier" and inserting in lieu thereof "processor". 26 USC 5601.

(53) **Section 5604.**— 26 USC 5604.

(A) Paragraph (1) of section 5604(a) (relating to penalties related to stamps, marks, brands, and containers) is amended by striking out "section 5205(a)(2)" and inserting in lieu thereof "section 5205(a)(1)".

(B) Paragraph (2) of section 5604(a) is amended—

(i) by striking out "section 5205(a) (1) or (2)" and inserting in lieu thereof "section 5205(a)(1)", and

(ii) by striking out "section 5205(a)(3)" and inserting in lieu thereof "section 5205(a)(2)".

(C) Paragraph (3) of section 5604(a) is amended by striking out "section 5205(g)" and inserting in lieu thereof "section 5205(f)".

(D) Paragraph (6) of section 5604(a) is amended by striking out "section 5205(a)(3)" and inserting in lieu thereof "section 5205(a)(2)".

(E) Paragraph (13) of section 5604(a) is amended by striking out "section 5205(a) (2) and (3)" and inserting in lieu thereof "section 5205(a)".

(54) **Section 5610.**—Section 5610 (relating to disposal of forfeited equipment and material for distilling) is amended by striking out "or rectifying" and inserting in lieu thereof "or processing". 26 USC 5610.

(55) **Section 5612.**—Subsection (b) of section 5612 (relating to forfeiture of taxpaid distilled spirits remaining on bonded premises) is amended to read as follows: 26 USC 5612.

"(b) **Exceptions.**—Subsection (a) shall not apply in the case of—

"(1) distilled spirits in the process of prompt removal from bonded premises on payment or determination of the tax; or

"(2) distilled spirits returned to bonded premises in accordance with the provisions of section 5215."

(56) **Section 5615.**—Paragraph (5) of section 5615 (relating to property subject to forfeiture) is amended by striking out "distillery, bonded warehouse, or rectifying or bottling establishment" each place it appears and inserting in lieu thereof "distilled spirits plant". 26 USC 5615.

(57) **Section 5663.**—Section 5663 (relating to cross references) is amended by striking out ", and for penalties for rectified products, see part I". 26 USC 5663.

(58) **Section 5681.**— 26 USC 5681.

(A) Subsection (a) of section 5681 (relating to penalty relating to signs) is amended by striking out "distilling, warehousing of distilled spirits, rectifying, or bottling of distilled spirits" and inserting in lieu thereof "distilled spirits operations".

(B) Subsection (b) of section 5681 is amended—

(i) by striking out "distiller, warehouseman of distilled spirits, rectifier, or bottler of distilled spirits" and inserting in lieu thereof "distiller, warehouseman, or processor of distilled spirits",

(ii) by striking out "section 5171(a)" and inserting in lieu thereof "section 5171(c)", and

(iii) by striking out "distiller, bonded warehouseman, rectifier, bottler of distilled spirits" and inserting in lieu thereof "distiller, warehouseman, or processor of distilled spirits".

26 USC 5681.

(C) Subsection (c) of section 5681 is amended to read as follows:

"(c) Premises Where No Sign Is Placed or Kept.—Every person who works in any distilled spirits plant or wholesale liquor establishment, on which no sign required by section 5115(a) or section 5180(a) is placed or kept, and every person who knowingly receives at, or carries or conveys any distilled spirits to or from any such distilled spirits plant or wholesale liquor establishment, or who knowingly carries or delivers any grain, molasses, or other raw material to any distilled spirits plant on which such a sign is not placed and kept, shall forfeit all vehicles, aircraft, or vessels used in carrying or conveying such property and shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

(D) Subsection (d) of section 5681 is amended by striking out "distillery or rectifying establishment" and inserting in lieu thereof "distilled spirits plant".

26 USC 5682.

(59) Section 5682.—Section 5682 (relating to penalty for breaking locks or gaining access) is amended by striking out "duly authorized internal revenue officer, or" and inserting in lieu thereof "authorized internal revenue officer or any approved lock or seal placed thereon by a distilled spirits plant proprietor, or who".

26 USC 5691.

(60) Section 5691.—Subsection (a) of section 5691 (relating to penalties for nonpayment of special taxes related to liquors) is amended by striking out "rectifier,".

(b) Clerical Amendments.—

(1) The table of subparts for part I of subchapter A of chapter 51 is amended by striking out the item relating to subpart B.

(2) The table of sections for subpart A of part I of subchapter A of chapter 51 is amended by striking out the item relating to section 5009.

(3) The table of subparts for part II of subchapter A of chapter 51 is amended by striking out the item relating to subpart A.

(4) The table of sections for subchapter B of chapter 51 is amended—

(A) by striking out the item relating to section 5173 and inserting in lieu thereof the following:

"Sec. 5173. Bonds.";

(B) by striking out the item relating to section 5174; and

(C) by striking out the item relating to section 5178 and inserting in lieu thereof the following:

"Sec. 5178. Distilled spirits plants."

(5) The table of parts for subchapter C of chapter 51 is amended by striking out the item relating to part III.

(6) The table of sections for subpart C of part II of subchapter C of chapter 51 is amended—

(A) by striking out the item relating to section 5231 and inserting in lieu thereof the following:

"Sec. 5231. Entry for deposit.";

and

(B) by striking out the items relating to sections 5233 and 5234.

(7) The table of sections for part II of subchapter F of chapter 51 is amended by striking out the item relating to section 5364.

(8) The table of sections for part IV of subchapter F of chapter 51 is amended by striking out the item relating to section 5391 and inserting in lieu thereof the following:

"Sec. 5391. Exemption from distilled spirits taxes."

(9) The table of parts for subchapter H of chapter 51 is amended by striking out the item relating to part III.

SEC. 808. TRANSITIONAL RULES RELATING TO DETERMINATION AND PAYMENT OF TAX.

(a) LIABILITY FOR PAYMENT OF TAX.—Except as otherwise provided in this section, the tax on all distilled spirits which have been withdrawn from bond on determination of tax and on which tax has not been paid by the close of December 31, 1979, shall become due on January 1, 1980, and shall be payable in accordance with section 5061 of the Internal Revenue Code of 1954.

26 USC 5061 note.

Ante, p. 281.

(b) TREATMENT OF CONTROLLED STOCK AND BULK WINE.—

(1) ELECTION WITH RESPECT TO CONTROLLED STOCK.—The proprietor of a distilled spirits plant may elect to convert any distilled spirits or wine which on January 1, 1980, is controlled stock.

(2) ELECTION WITH RESPECT TO WINE.—The proprietor of a distilled spirits plant may elect to convert any bulk wine which on January 1, 1980, is on the premises of a distilled spirits plant.

(3) EFFECT OF ELECTION.—If an election under paragraph (1) or (2) is in effect with respect to any controlled stock or wine—

(A) any distilled spirits, wine, or rectification tax previously paid or determined on such controlled stock or wine shall be abated or (without interest) credited or refunded under such regulations as the Secretary shall prescribe, and

(B) such controlled stock or wine shall be treated as distilled spirits or wine on which tax has not been paid or determined.

(4) MAKING OF ELECTIONS.—The elections under this subsection shall be made at such time and in such manner as the Secretary shall by regulations prescribe.

(c) TAXPAID STOCK.—

(1) TAXPAID STOCK MAY REMAIN ON BONDED PREMISES DURING 1980.—Section 5612(a) of the Internal Revenue Code of 1954 (relating to forfeiture of taxpaid distilled spirits remaining on bonded premises) shall not apply during 1980.

26 USC 5612.

(2) SEPARATION OF TAXPAID STOCK.—All distilled spirits and wine on which tax has been paid and which are on the bonded premises of a distilled spirits plant shall be physically separated from other distilled spirits and wine. Such separation shall be by the use of separate tanks, rooms, or buildings, or by partitioning, or by such other methods as the Secretary finds will distinguish such distilled spirits and wine from other distilled spirits and wine on the bonded premises of the distilled spirits plant.

(d) RETURN OF DISTILLED SPIRITS PRODUCTS CONTAINING TAXPAID WINE.—With respect to distilled spirits returned to the bonded premises of distilled spirits plants during 1980, section 5008(c)(1) of the Internal Revenue Code of 1954 (relating to refunds for distilled spirits returned to bonded premises) shall be treated as including a reference to section 5041 of such Code.

Ante, p. 281.

(e) RETURN OF DISTILLED SPIRITS PRODUCTS CONTAINING OTHER ALCOHOLIC INGREDIENTS.—With respect to distilled spirits to which alcoholic ingredients other than distilled spirits have been added and which have been withdrawn from a distilled spirits plant before January 1, 1980, section 5215(a) of the Internal Revenue Code of 1954 shall apply only if such spirits are returned to the distilled spirits plant from which withdrawn.

Ante, p. 285.

(f) **Secretary Defined.**—For purposes of this section, the term "Secretary" means the Secretary of the Treasury or his delegate.

SEC. 809. TRANSITIONAL RULES RELATING TO ALL-IN-BOND METHOD.

26 USC 5171 note.

(a) **New Application Required.**—

26 USC 5171.

(1) **In general.**—For purposes of section 5171 of the Internal Revenue Code of 1954 (relating to establishment of distilled spirits plants), each person who intends to continue any distilled spirits operation at a premises after December 31, 1979, shall be treated as intending to establish a distilled spirits plant on such premises on January 1, 1980.

(2) **Current registration to remain in effect.**—Notwithstanding paragraph (1), the registration of any person under section 5171 of the Internal Revenue Code of 1954 which is in effect on December 31, 1979, shall remain in effect until final action on the application required by paragraph (1).

(b) **Continuing Operations at Existing Premises.**—With respect to any operation which was permitted to be conducted on May 1, 1979, at premises which were registered on such date under section 5171 of the Internal Revenue Code of 1954, the determination of whether such premises qualify for registration under such section as a distilled spirits plant shall be made without regard to whether or not—

(1) the person engaged in operations at such premises is registered under such section with respect to such premises as a distiller or warehouseman, and

(2) such premises meet the minimum capacity and level of activity requirements for that type of operation.

26 USC 5173 note.

(c) **New Bond Required.**—For purposes of section 5173 of the Internal Revenue Code of 1954 (relating to bonds), each person who intends to continue operation at a premises after December 31, 1979, shall be treated as intending to establish a distilled spirits plant on such premises on January 1, 1980.

SEC. 810. EFFECTIVE DATE.

26 USC 5001 note.

The amendments made by this title shall take effect on January 1, 1980.

Subtitle B—Tariff Treatment

SEC. 851. REPEAL OF PROVISION THAT EACH WINE GALLON IS TO BE COUNTED AS AT LEAST ONE PROOF GALLON.

19 USC 1202.

The first sentence of headnote 2 to part 12 of schedule 1 of the Tariff Schedules of the United States is amended to read as follows: "The standard for determining the proof of brandy and other spirits or liquors of any kind when imported is the same as that which is defined in the laws relating to internal revenue."

SEC. 852. CHANGES IN RATES OF DUTY.

19 USC 1202.

So much of subpart D of part 12 of schedule 1 of the Tariff Schedules of the United States as follows headnote 1 is amended to read as follows:

"

	Aquavit:		
168.04	In containers each holding not over 1 gallon	$2.20 per proof gal.	$7.52 per proof gal.
168.06	In containers each holding over 1 gallon	42¢ per proof gal.	$5.00 per proof gal.
	Arrack:		
168.09			

	In containers each holding not over 1 gallon	$2.28 per proof gal.	$6.72 per proof gal.
168.11	In containers each holding over 1 gallon	$1.00 per proof gal.	$5.00 per proof gal.
	Bitters of all kinds containing spirits:		
	Not fit for use as beverages:		
168.12	In containers each holding not over 1 gallon	$1.04 per proof gal.	$5.56 per proof gal.
168.13	In containers each holding over 1 gallon	94¢ per proof gal.	$5.00 per proof gal.
	Fit for use as beverages:		
168.14	In containers each holding not over 1 gallon	$16.34 per proof gal.	$27.32 per proof gal.
168.16	In containers each holding over 1 gallon	50¢ per proof gal.	$5.00 per proof gal.
	Brandy:		
	Pisco and Singani:		
	In containers each holding not over 1 gallon:		
168.36	Valued not over $9 per gallon	$1.86 per proof gal.	$6.72 per proof gal.
168.37	Valued over $9 per gallon	$2.56 per proof gal.	$6.72 per proof gal.
	In containers each holding over 1 gallon:		
168.39	Valued not over $9 per gallon	50¢ per proof gal.	$5.00 per proof gal.
168.41	Valued over $9 per gallon	$1.00 per proof gal.	$5.00 per proof gal.
	Other:		
	In containers each holding not over 1 gallon:		
168.43	Valued not over $9 per gallon	$3.40 per proof gal.	$8.88 per proof gal.
168.44	Valued over $9 but not over $13 per gallon	$4.19 per proof gal.	$8.88 per proof gal.
168.49	Valued over $13 per gallon	$4.19 per proof gal.	$8.88 per proof gal.
	In containers each holding over 1 gallon:		
168.51	Valued not over $9 per gallon	50¢ per proof gal.	$5.00 per proof gal.
168.53	Valued over $9 per gallon	$1.00 per proof gal.	$5.00 per proof gal.
	Cordials, liqueurs, kirschwasser, and ratafia:		
168.56	In containers each holding not over 1 gallon	$5.21 per proof gal.	$11.64 per proof gal.
168.58	In containers each holding over 1 gallon	50¢ per proof gal.	$5.00 per proof gal.
168.60	Ethyl alcohol for beverage purposes	$1.12 per proof gal.	$5.00 per proof gal.
	Gin:		
168.62	In containers each holding not over 1 gallon	$2.29 per proof gal.	$7.52 per proof gal.
168.63	In containers each holding over 1 gallon	50¢ per proof gal.	$5.00 per proof gal.
	Rum (including cana paraguaya):		
168.65	In containers each holding not over 1 gallon	$3.74 per proof gal.	$7.52 per proof gal.
168.67	In containers each holding over 1 gallon	$1.75 per proof gal.	$5.00 per proof gal.
	Whiskey:		
	Irish and Scotch:		
168.69	In containers each holding not over 1 gallon	$2.30 per proof gal.	$7.52 per proof gal.

168.71	In containers each holding over 1 gallon	51¢ per proof gal.	$5.00 per proof gal.
	Other:		
168.73	In containers each holding not over 1 gallon	$2.59 per proof gal.	$7.74 per proof gal.
168.75	In containers each holding over 1 gallon	62¢ per proof gal.	$5.00 per proof gal.
	Tequila:		
168.77	In containers each holding not over 1 gallon	$2.27 per proof gal.	$6.35 per proof gal.
168.79	In containers each holding over 1 gallon	$1.25 per proof gal.	$5.00 per proof gal.
	Vodka:		
	In containers each holding not over 1 gallon:		
168.81	Valued not over $7.75 per gallon	$2.56 per proof gal.	$6.72 per proof gal.
168.83	Valued over $7.75 per gallon	$2.56 per proof gal.	$6.72 per proof gal.
168.85	In containers each holding over 1 gallon	$1.25 per proof gal.	$5.00 per proof gal.
	Other spirits, and preparations in chief value of distilled spirits, fit for use as beverages or for beverage purposes:		
	Spirits:		
168.87	In containers each holding not over 1 gallon	$2.56 per proof gal.	$6.72 per proof gal.
168.89	In containers each holding over 1 gallon	$1.25 per proof gal.	$5.00 per proof gal.
	Other:		
168.91	In containers each holding not over 1 gallon	$9.08 per proof gal.	$15.33 per proof gal.
168.93	In containers each holding over 1 gallon	$1.25 per proof gal.	$5.00 per proof gal.
	Imitations of brandy and other spirituous beverages:		
168.95	In containers each holding not over 1 gallon	$5.75 per proof gal.	$8.88 per proof gal.
168.97	In containers each holding over 1 gallon	$2.50 per proof gal.	$5.00 per proof gal. ".

SEC. 853. EFFECTIVE DATE FOR SECTIONS 851 AND 852.

19 USC 1202 note.

The amendments made by sections 851 and 852 shall apply to articles entered, or withdrawn from warehouse, for consumption after December 31, 1979.

SEC. 854. REVIEW OF INTERNATIONAL TRADE IN ALCOHOLIC BEVERAGES.

19 USC 2135 note.

Report to Congress.

(a) Review.—The President shall review foreign tariff and nontariff barriers affecting United States exports of alcoholic beverages. Not later than January 1, 1982, the President shall report to the Congress the results of his review.

19 USC 2111.

(b) Withdrawal of Concessions.—If, as the result of his review under subsection (a), the President determines that a foreign country or instrumentality has not implemented concessions to the United States affecting alcoholic beverages which were negotiated in trade agreements entered into before January 3, 1980, under the authority of title I of the Trade Act of 1974, the President shall withdraw, suspend, or modify the application of substantially equivalent trade agreement obligations of benefit to such foreign country or instrumentality under section 125 of the Trade Act of 1974 (19 U.S.C. 2135).

(c) Further Negotiations To Remove Barriers.—If, as the result of his review under subsection (a), the President determines that foreign tariff or nontariff barriers are unduly burdening or restricting the United States exports of alcoholic beverages, he shall enter into negotiations under the Trade Act of 1974 to eliminate or reduce such barriers.

19 USC 2101.

SEC. 855. AUTHORITY TO PROCLAIM EXISTING RATES FOR CERTAIN ITEMS.

(a) General Rule.—In the case of any item set forth in subpart D of part 12 of schedule 1 of the Tariff Schedules of the United States, as amended by section 852 of this Act, whenever the President determines that adequate reciprocal concessions have been received therefor under a trade agreement entered into under the Trade Act of 1974, he may (notwithstanding section 109 of such Act) proclaim that the rate of duty applicable to such item shall be the rate of duty appearing in rate column numbered 1 on January 1, 1979, for the comparable item, determined on a proof gallon basis. For purposes of sections 101 and 601(7) of the Trade Act of 1974, the rates of duty proclaimed under the preceding sentence shall be deemed to be the rates of duty existing on January 1, 1975.

19 USC 1202 note.
Ante, p. 292.
19 USC 2101.
19 USC 2111, 2481.

(b) Termination and Withdrawal Authority.—For purposes of section 125 of the Trade Act of 1974, any rate of duty proclaimed under subsection (a) shall be deemed to be a trade agreement obligation entered into under the Trade Act of 1974 which is of benefit to a foreign country or instrumentality. In the case of any item affected by any such proclamation, the last sentence of subsection (c) of such section 125 shall be applied as if it authorized (in addition to any increase authorized therein) an increase up to the rate of duty for such item set forth in rate column numbered 1 of subpart D of part 12 of schedule 1 of the Tariff Schedules of the United States, as amended by section 852 of this Act.

19 USC 2135.
19 USC 2101.
Ante, p. 292.

SEC. 856. AMENDMENTS OF SECTION 311 OF THE TARIFF ACT OF 1930.

(a) Certain Transfers to Warehouses Pending Exportation.—In the case of articles described in section 5522(a) of the Internal Revenue Code of 1954 (as in effect before its repeal by section 807(a)(50) of the Distilled Spirits Tax Revision Act of 1979), the first sentence of the eighth paragraph of section 311 of the Tariff Act of 1930 (19 U.S.C. 1311) shall be applied as if such first sentence did not include the phrase "at an exterior port".

19 USC 1311 note.
26 USC 5522.
Ante, p. 288.

(b) Removal of Reference to Rectification Taxes.—Effective January 1, 1980, the second proviso to the last paragraph of section 311 of the Tariff Act of 1930 is hereby repealed.

Repeal.
19 USC 1311.

TITLE IX—ENFORCEMENT OF UNITED STATES RIGHTS

SEC. 901. ENFORCEMENT OF UNITED STATES RIGHTS UNDER TRADE AGREEMENTS AND RESPONSE TO CERTAIN FOREIGN PRACTICES.

Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411) is amended to read as follows:

"CHAPTER 1—ENFORCEMENT OF UNITED STATES RIGHTS UNDER TRADE AGREEMENTS AND RESPONSE TO CERTAIN FOREIGN TRADE PRACTICES

"SEC. 301. DETERMINATIONS AND ACTION BY PRESIDENT.

19 USC 2411.

"(a) Determinations Requiring Action.—If the President determines that action by the United States is appropriate—

"(1) to enforce the rights of the United States under any trade agreement; or

"(2) to respond to any act, policy, or practice of a foreign country or instrumentality that—

"(A) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement, or

"(B) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce;

the President shall take all appropriate and feasible action within his power to enforce such rights or to obtain the elimination of such act, policy, or practice. Action under this section may be taken on a nondiscriminatory basis or solely against the products or services of the foreign country or instrumentality involved.

"(b) Other Action.—Upon making a determination described in subsection (a), the President, in addition to taking action referred to in such subsection, may—

"(1) suspend, withdraw, or prevent the application of, or refrain from proclaiming, benefits of trade agreement concessions to carry out a trade agreement with the foreign country or instrumentality involved; and

"(2) impose duties or other import restrictions on the products of, and fees or restrictions on the services of, such foreign country or instrumentality for such time as he determines appropriate.

"(c) Presidential Procedures.—

Publication in Federal Register.

"(1) Action on own motion.—If the President decides to take action under this section and no petition requesting action on the matter involved has been filed under section 302, the President shall publish notice of his determination, including the reasons for the determination in the Federal Register. Unless he determines that expeditious action is required, the President shall provide an opportunity for the presentation of views concerning the taking of such action.

Publication in Federal Register.

"(2) Action requested by petition.—Not later than 21 days after the date on which he receives the recommendation of the Special Representative under section 304 with respect to a petition, the President shall determine what action, if any, he will take under this section, and shall publish notice of his determination, including the reasons for the determination, in the Federal Register.

"(d) Special Provisions.—

"(1) Definition of commerce.—For purposes of this section, the term 'commerce' includes, but is not limited to, services associated with international trade, whether or not such services are related to specific products.

"(2) Vessel construction subsidies.—An act, policy, or practice of a foreign country or instrumentality that burdens or restricts United States commerce may include the provision, directly or indirectly, by that foreign country or instrumentality of subsidies for the construction of vessels used in the commercial transportation by water of goods between foreign countries and the United States.

19 USC 2412.

"SEC. 302. PETITIONS FOR PRESIDENTIAL ACTION.

"(a) Filing of Petition With Special Representative.—Any interested person may file a petition with the Special Representative for Trade Negotiations (hereinafter in this chapter referred to as the 'Special Representative') requesting the President to take action under section 301 and setting forth the allegations in support of the request. The Special Representative shall review the allegations in the petition and, not later than 45 days after the date on which he received the petition, shall determine whether to initiate an investigation.

Allegations, review.

"(b) DETERMINATIONS REGARDING PETITIONS.—

"(1) NEGATIVE DETERMINATION.—If the Special Representative determines not to initiate an investigation with respect to a petition, he shall inform the petitioner of his reasons therefor and shall publish notice of the determination, together with a summary of such reasons, in the Federal Register.

Publication in Federal Register.

"(2) AFFIRMATIVE DETERMINATION.—If the Special Representative determines to initiate an investigation with respect to a petition, he shall initiate an investigation regarding the issues raised. The Special Representative shall publish the text of the petition in the Federal Register and shall, as soon as possible, provide opportunity for the presentation of views concerning the issues, including a public hearing—

Publication in Federal Register. Hearing.

"(A) within the 30-day period after the date of the determination (or on a date after such period if agreed to by the petitioner), if a public hearing within such period is requested in the petition; or

"(B) at such other time if a timely request therefor is made by the petitioner.

"SEC. 303. CONSULTATION UPON INITIATION OF INVESTIGATION.

19 USC 2413.

"On the date an affirmative determination is made under section 302(b) with respect to a petition, the Special Representative, on behalf of the United States, shall request consultations with the foreign country or instrumentality concerned regarding issues raised in the petition. If the case involves a trade agreement and a mutually acceptable resolution is not reached during the consultation period, if any, specified in the trade agreement, the Special Representative shall promptly request proceedings on the matter under the formal dispute settlement procedures provided under such agreement. The Special Representative shall seek information and advice from the petitioner and the appropriate private sector representatives provided for under section 135 in preparing United States presentations for consultations and dispute settlement proceedings.

19 USC 2155.

"SEC. 304. RECOMMENDATIONS BY THE SPECIAL REPRESENTATIVE.

19 USC 2414.

"(a) RECOMMENDATIONS.—

"(1) IN GENERAL.—On the basis of the investigation under section 302, and the consultations (and the proceedings, if applicable) under section 303, and subject to subsection (b), the Special Representative shall recommend to the President what action, if any, he should take under section 301 with respect to the issues raised in the petition. The Special Representative shall make that recommendation not later than—

"(A) 7 months after the date of the initiation of the investigation under section 302(b)(2) if the petition alleges only an export subsidy covered by the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures and hereinafter referred to in this section as the 'Subsidies Agreement');

26 UST 3083.

"(B) 8 months after the date of the investigation initiation if the petition alleges any matter covered by the Subsidies Agreement other than only an export subsidy;

"(C) in the case of a petition involving a trade agreement approved under section 2(a) of the Trade Agreements Act of 1979 (other than the Subsidies Agreement), 30 days after the dispute settlement procedure is concluded; or

Ante, p. 147.

"(D) 12 months after the date of the investigation initiation in any case not described in subparagraph (A), (B), or (C).

"(2) Special rule.—In the case of any petition—

"(A) an investigation with respect to which is initiated on or after the date of the enactment of the Trade Agreements Act of 1979 (including any petition treated under section 903 of that Act as initiated on such date); and

"(B) to which the 12-month time limitation set forth in subparagraph (D) of paragraph (1) would but for this paragraph apply;

if a trade agreement approved under section 2(a) of such Act of 1979 that relates to any allegation made in the petition applies between the United States and a foreign country or instrumentality before the 12-month period referred to in subparagraph (B) expires, the Special Representative shall make the recommendation required under paragraph (1) with respect to the petition not later than the close of the period specified in subparagraph (A), (B), or (C), as appropriate, of such paragraph, and for purposes of such subparagraph (A) or (B), the date of the application of such trade agreement between the United States and the foreign country or instrumentality concerned shall be treated as the date on which the investigation with respect to such petition was initiated; except that consultations and proceedings under section 303 need not be undertaken within the period specified in such subparagraph (A), (B), or (C), as the case may be, to the extent that the requirements under such section were complied with before such period begins.

"(3) Report if settlement delayed.—In any case in which a dispute is not resolved before the close of the minimum dispute settlement period provided for in a trade agreement referred to in paragraph (1)(C) (other than the Subsidies Agreement), the Special Representative, within 15 days after the close of such period, shall submit a report to Congress setting forth the reasons why the dispute was not resolved within the minimum period, the status of the case at the close of the period, and the prospects for resolution. For purposes of this paragraph, the minimum dispute settlement period provided for under any such trade agreement is the total period of time that results if all stages of the formal dispute settlement procedures are carried out within the time limitations specified in the agreement, but computed without regard to any extension authorized under the agreement of any stage.

"(b) Consultation Before Recommendation.—Before recommending that the President take action under section 301 with respect to the treatment of any product or service of a foreign country or instrumentality which is the subject of a petition filed under section 302, the Special Representative, unless he determines that expeditious action is required—

"(1) shall provide opportunity for the presentation of views, including a public hearing if requested by any interested person;

"(2) shall obtain advice from the appropriate private sector advisory representatives provided for under section 135; and 19 USC 2155.

"(3) may request the views of the International Trade Commission regarding the probable impact on the economy of the United States of the taking of action with respect to such product or service.

If the Special Representative does not comply with paragraphs (1) and (2) because expeditious action is required, he shall, after making the recommendation concerned to the President, comply with such paragraphs.

"SEC. 305. REQUESTS FOR INFORMATION.

"(a) IN GENERAL.—Upon receipt of written request therefor from any person, the Special Representative shall make available to that person information (other than that to which confidentiality applies) concerning— 19 USC 2415.

"(1) the nature and extent of a specific trade policy or practice of a foreign government or instrumentality with respect to particular merchandise, to the extent that such information is available to the Special Representative or other Federal agencies;

"(2) United States rights under any trade agreement and the remedies which may be available under that agreement and under the laws of the United States; and

"(3) past and present domestic and international proceedings or actions with respect to the policy or practice concerned.

"(b) IF INFORMATION NOT AVAILABLE.—If information that is requested by an interested party under subsection (a) is not available to the Special Representative or other Federal agencies, the Special Representative shall, within 30 days after receipt of the request—

"(1) request the information from the foreign government; or

"(2) decline to request the information and inform the person in writing of the reasons for the refusal.

"SEC. 306. ADMINISTRATION.

"The Special Representative shall— 19 USC 2416.

"(1) issue regulations concerning the filing of petitions and the conduct of investigations and hearings under this chapter;

"(2) keep the petitioner regularly informed of all determinations and developments regarding his case under this section, including the reasons for any undue delays; and

"(3) submit a report to the House of Representatives and the Senate semiannually describing the petitions filed and the determinations made (and reasons therefor) under section 302, developments in and current status of each such proceeding, and the actions taken, or the reasons for no action, by the President under section 301.". **Report to Congress.**

SEC. 902. CONFORMING AMENDMENTS.

(a) ELIMINATION OF CONGRESSIONAL PROCEDURES.—Chapter 5 of title I of the Trade Act of 1974 is amended as follows: 19 USC 2191.

(1) Section 152(a) is amended— 19 USC 2192.

(A) by amending paragraph (1)(A) to read as follows:

"(A) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974 transmitted to the 19 USC 2253.

Congress on   .', the blank space being filled with the appropriate date; and";

(B) by striking out "paragraph (3)," in paragraph (1)(B) and inserting in lieu thereof "paragraph (2),";

(C) by striking out paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

19 USC 2194.

(2) Section 154 is amended by striking out "302(a)," in subsection (a); and by striking out "302(b)," in subsection (b).

(b) Table of Contents.—The table of contents of the Trade Act of 1974 is amended by striking out

"Chapter 1—Foreign Import Restrictions and Export Subsidies

"Sec. 301. Responses to certain trade practices of foreign governments
"Sec. 302. Procedure of or congressional disapproval of certain actions taken under section 301.";

and inserting in lieu thereof the following:

"Chapter 1—Enforcement of United States Rights Under Trade Agreements and Response to Certain Foreign Trade Practices

"Sec. 301. Determinations and action by President.
"Sec. 302. Petitions for Presidential action.
"Sec. 303. Consultation upon initiation of investigation.
"Sec. 304. Recommendations by the Special Representative.
"Sec. 305. Requests for information.
"Sec. 306. Administration.".

S. Con. Res. 33, p. 1, lines 46-49.
19 USC 1872.

(c) Trade Expansion Act of 1962.—Section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1982) is amended by striking out "subsections (c) and (d)" each place it appears and inserting in lieu thereof "section 302(b)(2)".

SEC. 903. EFFECTIVE DATE.

19 USC 2411 note.

Ante, p. 295.

Ante, p. 296.

The amendments made by sections 901 and 902 shall take effect on the date of the enactment of this Act. Any petition for review filed with the Special Representative for Trade Negotiations under section 301 of the Trade Act of 1974 (as in effect on the day before such date of enactment) and pending on such date of enactment shall be treated as an investigation initiated on such date of enactment under section 302(b)(2) of the Trade Act of 1974 (as added by section 901 of this Act) and any information developed by, or submitted to, the Special Representative before such date of enactment under the review shall be treated as part of the information developed during such investigation.

TITLE X—JUDICIAL REVIEW

SEC. 1001. JUDICIAL REVIEW.

(a) Review Procedures Applicable to Countervailing Duty and Antidumping Duty Matters.—Title V of the Tariff Act of 1930 (19 U.S.C. 1501, et seq.) is amended by inserting after section 516 the following new section:

19 USC 1516a.

"SEC. 516A. JUDICIAL REVIEW IN COUNTERVAILING DUTY AND ANTIDUMPING DUTY PROCEEDINGS.

"(a) Review of Determination.—

"(1) Review of certain determinations.—Within 30 days after the date of publication in the Federal Register of notice of—

"(A) a determination by the Secretary or the administering authority, under section 303(a)(3), 702(c), or 732(c) of this Act, not to initiate an investigation,

19 USC 1303; *Ante*, pp. 152, 162.

"(B) a determination by the administering authority, under section 703(c) or 733(c) of this Act, that a case is extraordinarily complicated,

Ante, pp. 153, 163.

"(C) a determination by the administering authority or the Commission, under section 751(b) of this Act, not to review an agreement or a determination based upon changed circumstances,

Ante, p. 175.

"(D) a negative determination by the Commission, under section 703(a) or 733(a) of this Act, as to whether there is reasonable indication of material injury, threat of material injury, or material retardation, or

"(E) a negative determination by the administering authority under section 703(b) or 733(b) of this Act,

an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Customs Court by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

"(2) Review of determinations on record.—

"(A) In general.—Within thirty days after the date of publication in the Federal Register of—

"(i) notice of any determination described in clause (ii), (iii), (iv), or (v) of subparagraph (B), or

"(ii) an antidumping or countervailing duty order based upon any determination described in clause (i) of subparagraph (B),

an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Customs Court by filing a summons, and within thirty days thereafter a complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

"(B) Reviewable determinations.—The determinations which may be contested under subparagraph (A) are as follows:

"(i) Final affirmative determinations by the Secretary and by the Commission under section 303, or by the administering authority and by the Commission under section 705 or 735 of this Act.

Ante, pp. 159, 169.

"(ii) A final negative determination by the Secretary, the administering authority, or the Commission under section 303, 705, or 735 of this Act.

"(iii) A determination, other than a determination reviewable under paragraph (1), by the Secretary, the administering authority, or the Commission under section 751 of this Act.

Ante, p. 175.

"(iv) A determination by the administering authority, under section 704 or 734 of this Act, to suspend an antidumping duty or a countervailing duty investigation.

Ante, pp. 154, 165.

"(v) An injurious effect determination by the Commission under section 704(h) or 734(h) of this Act.

Ante, pp. 154, 165.

"(3) **Procedures and fees.**—The procedures and fees set forth in subsections (b), (c), and (e) of section 2632 of title 28, United States Code, apply to an action under this section.

28 USC 2632.

"(b) **Standards of Review.**—

"(1) **Remedy.**—The court shall hold unlawful any determination, finding, or conclusion found—

"(A) in an action brought under paragraph (1) of subsection (a), to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or

"(B) in an action brought under paragraph (2) of subsection (a), to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

"(2) **Record for review.**—

"(A) **In general.**—For the purposes of this subsection, the record, unless otherwise stipulated by the parties, shall consist of—

"(i) a copy of all information presented to or obtained by the Secretary, the administering authority, or the Commission during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings required to be kept by section 777(a)(3); and

Ante, p. 187.

"(ii) a copy of the determination, all transcripts or records of conferences or hearings, and all notices published in the Federal Register.

"(B) **Confidential or privileged material.**—The confidential or privileged status accorded to any documents, comments, or information shall be preserved in any action under this section. Notwithstanding the preceding sentence, the court may examine, in camera, the confidential or privileged material, and may disclose such material under such terms and conditions as it may order.

"(c) **Liquidation of Entries.**—

"(1) **Liquidation in accordance with determination.**—Unless such liquidation is enjoined by the court under paragraph (2) of this subsection, entries of merchandise of the character covered by a determination of the Secretary, the administering authority, or the Commission contested under subsection (a) shall be liquidated in accordance with the determination of the Secretary, the administering authority, or the Commission, if they are entered, or withdrawn from warehouse, for consumption on or before the date of publication in the Federal Register by the Secretary or the administering authority of a notice of a decision of the United States Customs Court, or of the United States Court of Customs and Patent Appeals, not in harmony with that determination. Such notice of a decision shall be published within ten days from the date of the issuance of the court decision.

"(2) **Injunctive relief.**—In the case of a determination described in paragraph (2) of subsection (a) by the Secretary, the administering authority, or the Commission, the United States Customs Court may enjoin the liquidation of some or all entries of merchandise covered by a determination of the Secretary, the administering authority, or the Commission, upon a request by an interested party for such relief and a proper showing that the requested relief should be granted under the circumstances. In ruling on a request for such injunctive relief, the court shall consider, among other factors, whether—

"(A) the party filing the action is likely to prevail on the merits,

"(B) the party filing the action would be irreparably harmed if liquidation of some or all of the entries is not enjoined,

"(C) the public interest would best be served if liquidation is enjoined, and

"(D) the harm to the party filing the action would be greater if liquidation of some or all of the entries is not enjoined than the harm to other persons if liquidation of some or all of the entries is enjoined.

"(3) REMAND FOR FINAL DISPOSITION.—If the final disposition of an action brought under this section is not in harmony with the published determination of the Secretary, the administering authority, or the Commission, the matter shall be remanded to the Secretary, the administering authority, or the Commission, as appropriate, for disposition consistent with the final disposition of the court.

"(d) STANDING.—Any interested party who was a party to the proceeding under section 303 of this Act or title VII of this Act shall have the right to appear and be heard as a party in interest before the United States Customs Court. The party filing the action shall notify all interested parties of the filing of an action pursuant to this section.

19 USC 1303; *Ante*, p. 150.

"(e) LIQUIDATION IN ACCORDANCE WITH FINAL DECISION.—If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals—

"(1) entries of merchandise of the character covered by the published determination of the Secretary, the administering authority, or the Commission, which is entered, or withdrawn from warehouse, for consumption after the date of publication in the Federal Register by the Secretary or the administering authority of a notice of the court decision, and

"(2) entries, the liquidation of which was enjoined under subsection (c)(2),

shall be liquidated in accordance with the final court decision in the action. Such notice of the court decision shall be published within ten days from the date of the issuance of the court decision.

"(f) DEFINITIONS.—For purposes of this section—

"(1) ADMINISTERING AUTHORITY.—The term 'administering authority' means the administering authority described in section 771(1) of this Act.

Ante, p. 176.

"(2) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(3) INTERESTED PARTY.—The term 'interested party' means any person described in section 771(9) of this Act.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENT OF SECTION 516 OF THE TARIFF ACT OF 1930.—Section 516 of the Tariff Act of 1930 (19 U.S.C. 1516) is amended—

(A) by striking out so much of such section as precedes subsection (e) and inserting in lieu thereof the following:

"SEC. 516. PETITIONS BY DOMESTIC INTERESTED PARTIES.

"(a) REQUEST FOR CLASSIFICATION AND RATE OF DUTY; PETITION.—The Secretary shall, upon written request by an interested party (as defined in section 771(9) (C), (D), and (E) of this Act) furnish the classification and the rate of duty imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by such interested party. If the interested party believes that the appraised value, the classification, or rate of duty is not correct, it may file a petition with the Secretary setting forth—

Ante, p. 176.

"(1) a description of the merchandise,

"(2) the appraised value, the classification, or the rate of duty that it believes proper, and

"(3) the reasons for its belief.

"(b) DETERMINATION ON PETITION.—If, after receipt and consideration of a petition filed by such an interested party, the Secretary determines that the appraised value, the classification, or rate of duty is not correct, he shall determine the proper appraised value, classification, or rate of duty and shall notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised, classified, or assessed as to the rate of duty in accordance with the Secretary's determination.

"(c) CONTEST BY PETITIONER OF APPRAISED VALUE, CLASSIFICATION, OR RATE OF DUTY.—If the Secretary determines that the appraised value, classification, or rate of duty with respect to which a petition was filed pursuant to subsection (a) of this section is correct, he shall notify the petitioner. If dissatisfied with the determination of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the notification, notice that it desires to contest the appraised value, classification, or rate of duty. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his determination as to the proper appraised value, classification, or rate of duty and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the determination of the Secretary, at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value, classification, or rate of duty imposed upon such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs officer at such ports to immediately notify the petitioner by mail when the first of such entries is liquidated.", and

(B) by redesignating subsections (e), (f), (g), and (h), as subsections (d), (e), (f), and (g), and

(C) in subsection (f), as that subsection is redesignated by subparagraph (B) of this paragraph—

(i) by inserting "in the Federal Register by the Secretary or the administering authority of a notice" immediately before "of the court decision", and

(ii) by adding at the end thereof the following: "Such notice of the court decision shall be published within ten days from the date of the issuance of the court decision.".

(2) AMENDMENT OF SECTION 515 OF THE TARIFF ACT OF 1930.—Section 515(a) of such Act (19 U.S.C. 1515(a)) is amended by adding at the end thereof the following: "Such notice shall

include a statement of the reasons for the denial, as well as a statement informing the protesting party of his right to file a civil action contesting the denial of a protest under section 514 of the Tariff Act of 1930.".

(3) AMENDMENT OF SECTION 514 OF THE TARIFF ACT OF 1930.—Section 514 of such Act (19 U.S.C. 1514) is amended—

(A) in subsection (a), by inserting "subsection (b) of this section," immediately after "Except as provided in",

(B) in subsection (a), by striking out "American manufacturers, producers, and wholesalers" and inserting in lieu thereof "domestic interested parties as defined in section 771(9) (C), (D), and (E) of this Act",

Ante, p. 176.

(C) by redesignating subsections (b) and (c) as subsections (c) and (d),

(D) by inserting after subsection (a) the following new subsection:

"(b) With respect to determinations made under section 303 of this Act or title VII of this Act which are reviewable under section 516A of this title, determinations of the appropriate customs officer are final and conclusive upon all persons (including the United States and any officer thereof) unless a civil action contesting a determination listed in section 516A of this title is commenced in the United States Customs Court.",

19 USC 1303;
Ante, p. 150.
Ante, p. 300.

(E) in paragraph (1) of subsection (c), as that subsection is redesignated by subparagraph (C) of this paragraph, by striking out the last sentence thereof and inserting in lieu thereof the following: "Except as provided in sections 485(d) and 557(b) of this Act, protests may be filed with respect to merchandise which is the subject of a decision specified in subsection (a) of this section by—

19 USC 1485,
1557.

"(A) the importers or consignees shown on the entry papers, or their sureties;

"(B) any person paying any charge or exaction;

"(C) any person seeking entry or delivery;

"(D) any person filing a claim for drawback; or

"(E) any authorized agent of any of the persons described in clauses (A) through (D).", and

(F) in paragraph (2) of subsection (c), as that subsection is redesignated by subparagraph (C) of this paragraph, by adding at the end thereof the following: "A protest by a surety which has an unsatisfied legal claim under its bond may be filed within 90 days from the date of mailing of notice of demand for payment against its bond. If another party has not filed a timely protest, the surety's protest shall certify that it is not being filed collusively to extend another authorized person's time to protest as specified in this subsection.".

(4) AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE.—

(A) Section 1541(a) of title 28, United States Code, is amended by inserting immediately before the period at the end thereof a comma and the following: "and from any interlocutory order granting, continuing, modifying, refusing, or dissolving an injunction, or refusing to dissolve or modify an injunction, under section 516A(c)(2) of the Tariff Act of 1930".

28 USC 1541.

Ante, p. 300.

(B) Section 1582 of such title is amended—

28 USC 1582.

(i) in subsection (b), by striking out "American manufacturers, producers, or wholesalers pursuant to section

516" and inserting in lieu thereof "interested parties under sections 516 and 516A";

Ante, pp. 304, 300.

(ii) in subsection (c), by inserting "and 516A" immediately after "section 516" each time it appears; and

(iii) by adding at the end thereof the following:

"(e) The Customs Court shall have exclusive jurisdiction of any civil action brought by a party-at-interest to review a final determination made under section 305(b)(1) of the Trade Agreements Act of 1979. For purposes of this subsection, the term 'party-at-interest' means—

Ante, p. 299.

"(1) a foreign manufacturer, producer, or exporter, or a United States importer of merchandise which is the subject of a final determination under section 305(b) of the Trade Agreements Act of 1979,

"(2) a manufacturer, producer, or wholesaler in the United States of a like product,

"(3) United States members of a labor organization or other association of workers whose members are employed in the manufacture, production, or wholesale in the United States of a like product, and

"(4) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product in the United States.

"(f) The Customs Court shall have exclusive jurisdiction of any application for the issuance of a protective order under section 777(c)(2) of the Tariff Act of 1930.".

Ante, p. 187.
28 USC 2632.

(C) Section 2632(f) of such title is amended by striking out "Upon service" and inserting in lieu thereof "Except as provided in section 516A of the Tariff Act of 1930, upon service".

28 USC 2633.

(D) Section 2633 of such title is amended—

(i) in the section heading, by striking out "American manufacturer, producer, or wholesaler";

(ii) by inserting "and section 516A" immediately after "section 516"; and

(iii) by inserting "(a)" immediately before "Every proceeding" and by adding at the end thereof the following:

"(b) Of those proceedings given precedence under subsection (a) of this section, any proceeding for the review of a determination under section 516A(a)(1)(B) or 516A(a)(1)(E) of the Tariff Act of 1930 shall be given priority over other such proceedings.".

28 USC 2637.

(E) Section 2637 of such title is amended—

(i) in subsection (a) by striking out "In any proceeding" and inserting in lieu thereof "Except as otherwise provided by law, in any proceeding"; and

(ii) in subsection (b), by striking out "by an American manufacturer, producer, or wholesaler" and inserting in lieu thereof "under section 2632(a) of this title".

(F) The table of sections for chapter 169 of such title is amended by striking out the item relating to section 2633 and inserting in lieu thereof the following new item:

"Sec. 2633. Precedence of cases.".

SEC. 1002. EFFECTIVE DATE AND TRANSITIONAL RULES.

19 USC 1516a note.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect on that date (hereinafter in this section referred to as the "effective date") on which title VII of the Tariff Act of 1930 (as added by title I of this Act) takes effect; and section 515(a) of such Act of 1930

Ante, p. 150.

(as amended by section 1001(b)(2)) shall apply with respect to any denial, in whole or in part, of a protest filed under section 514 of such Act of 1930 on or after the effective date. *Ante*, p. 300.

(b) TRANSITIONAL RULES.—

(1) CERTAIN PROTESTS, PETITIONS, ACTIONS, ETC.—The amendments made by this title shall not apply with respect to—

(A) any protest, petition, or notice of desire to contest filed before the effective date under section 514, 516(a), or 516(d), respectively, of the Tariff Act of 1930; *Ante*, pp. 304, 305.

(B) any civil action commenced before the effective date under section 2632 of title 28 of the United States Code; or 28 USC 2632.

(C) any civil action commenced after the effective date under such section 2632 if the protest, petition, or notice of desire to contest (under section 514, 516(a), or 516(d), respectively, of the Tariff Act of 1930) on which such action is based was filed before such effective date.

(2) LAW TO BE APPLIED FOR PURPOSES OF SUCH ACTIONS.—Notwithstanding the repeal of the Antidumping Act, 1921, by section 106(a) of this Act, and the amendment of section 303 of the Tariff Act of 1930 by section 103 of this Act, the law in effect on the date of any finding or determination contested in a civil action described in subparagraph (A), (B), or (C) of paragraph (1) shall be applied for purposes of that action. *Ante*, p. 193. *Ante*, p. 190.

(3) CERTAIN COUNTERVAILING AND ANTIDUMPING DUTY ASSESSMENTS.—The amendments made by this title shall apply with respect to the review of the assessment of, or failure to assess, any countervailing duty or antidumping duty on entries subject to a countervailing duty order or antidumping finding if the assessment is made after the effective date. If no assessment of such duty had been made before the effective date that could serve the party seeking review as the basis of a review of the underlying determination, made by the Secretary of the Treasury or the International Trade Commission before the effective date, on which such order, finding, or lack thereof is based, then the underlying determination shall be subject to review in accordance with the law in effect on the day before the effective date.

(4) CERTAIN COUNTERVAILING AND ANTIDUMPING DUTY DETERMINATIONS.—With respect to any preliminary determination or final determination of the Secretary of the Treasury under section 303 of the Tariff Act of 1930 or the Antidumping Act, 1921, which is treated under section 102 of this Act as if made under section 703(b), 705(a), 733(b), or 735(a) of the Tariff Act of 1930 (as added by title I of this Act) such determinations shall be subject to judicial review in the same manner and to the same extent as if made on the day before the effective date. *Ante*, p. 189. *Ante*, pp. 152, 159, 163, 169.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. EXTENSION OF NONTARIFF BARRIER NEGOTIATING AUTHORITY.

Section 102(b) of the Trade Act of 1974 (19 U.S.C. 2112) is amended by striking out "5-year period" and inserting in lieu thereof "13-year period".

SEC. 1102. AUCTION OF IMPORT LICENSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may sell import licenses at public auction under such terms 19 USC 2581.

and conditions as he deems appropriate. Regulations prescribed under this subsection shall, to the extent practicable and consistent with efficient and fair administration, insure against inequitable sharing of imports by a relatively small number of the larger importers.

(b) DEFINITION OF IMPORT LICENSE.—For purposes of this section, the term "import license" means any documentation used to administer a quantitative restriction imposed or modified after the date of enactment of this Act under—

(1) section 125, 203, 301, or 406 of the Trade Act of 1974 (19 U.S.C. 2135, 2253, 2411, or 2436),

(2) the International Emergency Economic Powers Act (50 U.S.C. App. 1701-1706),

19 USC 1202.

(3) authority under the headnotes of the Tariff Schedules of the United States, but not including any quantitative restriction imposed under section 22 of the Agricultural Adjustment Act of 1934 (7 U.S.C. 624),

(4) the Trading With the Enemy Act (50 U.S.C. App. 1-44),

(5) section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) other than for meat or meat products, or

(6) any Act enacted explicitly for the purpose of implementing an international agreement to which the United States is a party, including such agreements relating to commodities, but not including any agreement relating to cheese or dairy products.

SEC. 1103. ADVICE FROM PRIVATE SECTOR.

Section 135 of the Trade Act of 1974 (19 U.S.C. 2155) is amended—

(1) by striking out ", in accordance with the provisions of this section," in subsection (a),

(2) by inserting before the period in subsection (a) a comma and the following: "with respect to the operation of any trade agreement once entered into, and with respect to other matters arising in connection with the administration of the trade policy of the United States",

(3) by striking out "any trade agreement referred to in section 101 or 102" in subsection (b)(1) and inserting in lieu thereof the following: "matters referred to in subsection (a)",

(4) by striking out subsection (b)(2) and inserting in lieu thereof the following:

"(2) The Committee shall meet at the call of the Special Representative for Trade Negotiations. The Chairman of the Committee shall be elected by the Committee from among its members. Members of the Committee shall be appointed by the President for a period of 2 years and may be reappointed for one or more additional periods.",

(5) by striking out so much of subsection (c) as precedes paragraph (2) and inserting in lieu thereof the following:

General policy advisory committees, establishment.

"(c)(1) The President may, on his own initiative, or at the request of organizations representing industry, labor, agriculture, or services, establish general policy advisory committees for industry, labor, agriculture, or services, respectively, to provide general policy advice on matters referred to in subsection (a). Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, and service interests, respectively, including small business interests, and shall be organized by the Special Representative for Trade Negotiations and the Secretary of Commerce, Labor, or Agriculture, as appropriate.",

(6) by striking out the first two sentences of subsection (c)(2) and inserting in lieu thereof the following: "The President shall establish such sectoral or functional advisory committees as may be appropriate. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, or service interests (including small business interests) in the sector or functional areas concerned.",

Functional advisory committees, establishment.

(7) by striking out "the President, acting through the Special Representative for Trade Negotiations and" in the third sentence of subsection (c)(2) and inserting in lieu thereof the following: "the Special Representative for Trade Negotiations and",

(8) by striking out "product sector" in the last sentence of subsection (c)(2),

(9) by inserting ", in the case of each sectoral committee," in the last sentence of subsection (c)(2) immediately before "the product lines",

(10) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) Committees established under subsection (c) shall meet at the call of the Special Representative for Trade Negotiations and the Secretary of Agriculture, Commerce, or Labor, as appropriate, to provide policy advice, technical advice and information, and advice on other factors relevant to the matters referred to in subsection (a).",

(11) by striking out "and each sector advisory committee, if the sector," in the first sentence of subsection (e)(1) and inserting in lieu thereof the following: "and each sector or functional advisory committee, if the sector or area",

(12) by inserting "or functional area" immediately after "appropriate sector" in the second sentence of subsection (e)(1),

(13) by inserting "or within the functional area" immediately before the period at the end of subsection (e)(1),

(14) by striking out subsection (e)(2) and redesignating subsection (e)(1) as subsection (e),

(15) by—

(A) striking out "groups" in subsection (f)(2) and inserting in lieu thereof "committees", and

(B) striking out "on the negotiation of any trade agreement" in such subsection and inserting in lieu thereof "with respect to matters referred to in subsection (a)",

(16) by striking out "a trade agreement referred to in section 101 or 102" in subsection (g)(1)(A) and inserting in lieu thereof the following: "matters referred to in subsection (a)",

(17) by—

(A) striking out "trade negotiations" in subsection (g)(1)(B) and inserting in lieu thereof "matters referred to in subsection (a)", and

(B) striking out "proposed trade agreements" in subsection (g)(2) and inserting in lieu thereof "matters referred to in subsection (a)",

(18) by—

(A) striking out ", both during preparation for negotiations and actual negotiations" in the first sentence of subsection (i),

(B) striking out "arising in preparation for or in the course of such negotiations" in the second sentence of such subsection, and

(C) striking out "to the negotiations" in the second sentence of such subsection and inserting in lieu thereof the following: "with respect to matters referred to in subsection (a)",

(19) by striking out "trade agreement referred to in section 101 or 102" in subsections (j) and (k) and inserting in lieu thereof "matters referred to in subsection (a)",

(20) by adding at the end of subsection (k) the following new sentence: "To the maximum extent practicable, the members of the committees established under subsections (b) and (c), and other appropriate parties, shall be informed and consulted before and during any such negotiations and may be permitted to participate in international meetings to the extent the head of the United States delegation deems appropriate, but may not speak or negotiate for the United States.", and

(21) by adding at the end thereof the following new subsection:

7 USC 2281.

"(l) The provisions of title XVIII of the Food and Agriculture Act of 1977 shall not apply to an advisory committee established under subsection (c).".

SEC. 1104. STUDY OF POSSIBLE AGREEMENTS WITH NORTH AMERICAN COUNTRIES.

(a) In General.—Section 612 of the Trade Act of 1974 (19 U.S.C. 2486) is amended by inserting "(a)" before "It" and by adding at the end thereof the following:

Report to congressional committees.

"(b) The President shall study the desirability of entering into trade agreements with countries in the northern portion of the western hemisphere to promote the economic growth of the United States and such countries and the mutual expansion of market opportunities and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate his findings and conclusions within 2 years after the date of enactment of this Act. The study shall include an examination of competitive opportunities and conditions of competition between such countries and the United States in the agricultural, energy, and other appropriate sectors.".

(b) Clerical Amendments.—

(1) The caption of section 612 of such Act is amended to read as follows:

"SEC. 612. TRADE RELATIONS WITH NORTH AMERICAN COUNTRIES.".

(2) The table of contents of such Act is amended by striking out the item relating to section 612 and inserting in lieu thereof the following new item:

"Sec. 612. Trade relations with North American countries.".

SEC. 1105. AMENDMENTS TO SECTION 337 OF THE TARIFF ACT OF 1930.

(a) Relationship to Countervailing and Antidumping Duty Investigations.—Paragraph (3) of section 337(b) of the Tariff Act of 1930 (19 U.S.C. 1337) is amended—

(1) by striking out "the matter" and inserting in lieu thereof "a matter, in whole or in part,", and

Investigation, termination.

19 USC 1303; *Ante*, pp. 151, 162.

(2) by adding at the end thereof the following: "If the Commission has reason to believe the matter before it is based solely on alleged acts and effects which are within the purview of section 303, 701, or 731 of this Act, it shall terminate, or not institute, any investigation into the matter. If the Commission has reason to believe the matter before it is based in part on alleged acts and effects which are within the purview of section 303, 701, or 731 of this Act, and in part on alleged acts and effects which may,

independently from or in conjunction with those within the purview of such section, establish a basis for relief under this section, then it may institute or continue an investigation into the matter. If the Commission notifies the Secretary or the administering authority (as defined in section 771(1) of this Act) with respect to a matter under this paragraph, the Commission may suspend its investigation during the time the matter is before the Secretary or administering authority for final decision. For purposes of computing the 1-year or 18-month periods prescribed by this subsection, there shall be excluded such period of suspension. Any final decision of the Secretary under section 303 of this Act or by the administering authority under section 701 or 731 of this Act with respect to the matter within such section 303, 701, or 731 of which the Commission has notified the Secretary or administering authority shall be conclusive upon the Commission with respect to the issue of less-than-fair-value sales or subsidization and the matters necessary for such decision".

Ante, p. 176.

19 USC 1303.

Ante, pp. 151, 162.

(b) Civil Penalty for Violation of Order.—Subsection (f) of section 337 of such Act (19 U.S.C. 1337(f)) is amended by inserting "(1)" before "In lieu of", and by adding at the end thereof the following new paragraph:

"(2) Any person who violates an order issued by the Commission under paragraph (1) after it has become final shall forfeit and pay to the United States a civil penalty for each day on which an importation of articles, or their sale, occurs in violation of the order of not more than the greater of $10,000 or the domestic value of the articles entered or sold on such day in violation of the order. Such penalty shall accrue to the United States and may be recovered for the United States in a civil action brought by the Commission in the Federal District Court for the District of Columbia or for the district in which the violation occurs. In such actions, the United States district courts may issue mandatory injunctions incorporating the relief sought by the Commission as they deem appropriate in the enforcement of such final orders of the Commission.".

(c) Conforming Amendment.—The fourth sentence of section 337(c) of such Act (19 U.S.C. 1337(c)) is amended by striking out "(d) or (e)" and inserting in lieu thereof "(d), (e), or (f)".

SEC. 1106. TECHNICAL AMENDMENTS TO THE TRADE ACT OF 1974.

(a) Amendment of Trade Act of 1974.—Except as otherwise specifically provided in this section, any reference in this section by way of amendment, repeal, or other change to a provision of law is a reference to the specified provision of the Trade Act of 1974.

19 USC 2101.

(b) Table of Contents.—In the table of contents the item relating to section 261 is amended to read as follows:

"Sec. 261. Definition of firm.".

(c) Title I.—

(1) Section 102(e)(2) is amended by striking out "copy of such agreement" and inserting in lieu thereof "copy of the final legal text of such agreement". The amendment made by the preceding sentence shall apply with respect to trade agreements submitted to the Congress under section 102 of the Trade Act of 1974 after the date of the enactment of this Act.

19 USC 2112.

(2) The next to last sentence of section 121(c) is amended to read as follows: "Such trade agreement may be entered into under section 102.".

19 USC 2131.

19 USC 2119. (3) Paragraph (2) of section 109(c) is amended by striking out "such" and inserting in lieu thereof "any".

(4) Section 5315(24) of title 5, United States Code, is amended by inserting immediately after "Commission" the following: "(5)".

19 USC 2192. (5) Paragraph (1) of section 152(c) is amended by striking out "153(b)" and inserting in lieu thereof "154(b)".

(d) TITLE II.—

19 USC 2253. (1) Section 203(a)(4) is amended by inserting ", conclude, and carry out" immediately after "negotiate".

(2) Section 203(b) is amended by—

(A) striking out "On the day on which the President proclaims import relief under this section or announces his intention to negotiate one or more orderly marketing agreements," in paragraph (1) and inserting in lieu thereof "On the day the President determines under section 202 to provide import relief, including announcement of his intention to negotiate an orderly marketing agreement,",

(B) striking out "201(b)(1)(A)" in paragraph (1) and inserting in lieu thereof "201(d)(1)(A)", and

(C) adding at the end thereof the following new paragraph:

"(3) On the day on which the President proclaims any import relief under this section not reported pursuant to paragraph (1), he shall transmit to Congress a document setting forth the action he is taking and the reasons therefor.".

(3) Section 203(c)(1) is amended by—

(A) striking out "201(b)(1)(A)" and inserting in lieu thereof "201(d)(1)(A)", and

(B) by inserting "under the procedures set forth in section 152" immediately after "voting".

(4) Section 203(e)(3) is amended by striking out "(1), (2), (3) or (5)".

(5) Section 203(g)(1) is amended by—

(A) striking out "quantitative"; and

(B) striking out "pursuant to subsection (a)(3) or (c)" and inserting in lieu thereof "pursuant to this section".

(6) Section 203(g)(2) is amended by striking out "or (e)(2)" each place it appears and inserting in lieu thereof "(e)(2), or (e)(3)".

(7) Subsection (h) of section 203 is amended by—

(A) inserting "or (i)(3)" after "(i)(2)" in paragraphs (3) and (4), and

(B) by striking out "one 3-year period" in paragraph (3) and inserting in lieu thereof "one period of not more than 3 years".

(8) The caption of section 261 is amended to read as follows:

"SEC. 261. DEFINITION OF FIRM.".

19 USC 1315. (e) TITLE III.—Section 331(c) is amended by striking out "515(d)" and inserting in lieu thereof "315(d)".

(f) TITLE IV.—

19 USC 2432. (1) Section 402(c)(1) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsections (a)".

19 USC 2434. (2) Section 404(c) is amended by striking out the comma.

19 USC 2435. (3) Section 405(b)(8) is amended by striking out "those" and inserting in lieu thereof "arrangements".

(g) TITLE V.—

19 USC 2462. (1) Section 502(b)(2) is amended by striking out "withhold supplies of vital commodity resources from international trade or

to raise the price of such commodities to an unreasonable level which causes serious disruption of the world economy;".

(2) Section 502(b)(6) is amended by inserting a comma after "partnership".

(3) Section 504(c)(1) is amended—

19 USC 2464.

(A) by striking out "60 days" and inserting in lieu thereof "90 days", and

(B) by striking out "60th day," and inserting in lieu thereof "90th day,".

(h) TITLE VI.—

(1) Section 601(2) is amended by striking out "and" and inserting in lieu thereof "or".

19 USC 2481.

(2) Section 602(a) is amended by striking out ", as amended".

19 USC 1352.

(3) Section 602(f) is amended by striking out the last comma.

19 USC 2101 note.

SEC. 1107. TECHNICAL AMENDMENTS TO THE TARIFF SCHEDULES OF THE UNITED STATES.

(a) GENERAL HEADNOTE CHANGES.—The general headnotes for the Tariff Schedules of the United States (19 U.S.C. 1202) are amended—

(1) by inserting "and" after "subpart E" in headnote 3(a)(i), and

(2) by striking out "Germany (the Soviet zone and the Soviet sector of Berlin)" in headnote 3(e) and inserting in lieu thereof "German Democratic Republic and East Berlin".

(b) TOBACCO.—Schedule 1, part 13 of such Schedules is amended by redesignating headnotes 5 and 6 as 3 and 4, respectively.

(c) FLUORANTHENE.—Schedule 4, part 1, subpart A, item 401.36 of such Schedules is amended to read "Fluoranthene."

(d) STRUCTURES.—Schedule 6, part 3, subpart F of such Schedules is amended by striking out items 652.97 and 652.99 and the superior heading thereto and by inserting in lieu thereof the following:

" 652.97	Offshore oil and natural gas drilling and production platforms	9.5% ad val.	45% ad val.	
653.00	Other	9.5% ad val.	45% ad val.	
653.01	Other	9.5% ad val.	45% ad val.	"

(e) MEASURING, TESTING, AND CONTROLLING INSTRUMENTS.—Schedule 7, part 2, subpart D of such Schedules is amended—

(1) by striking out "711.00" in headnote 1 and headnote 2(a) and inserting "711.04" in lieu thereof; and

(2) by striking out "712.00 to 712.99" in headnote 2 and inserting "712.05 to 712.51" in lieu thereof.

(f) PHOTOGRAPHIC PRODUCTS.—The article description in item 722.10 of such Schedules is amended to read as follows: "Having a photographic lens valued over 50 percent of the value of the article.".

(g) BUTTONS.—Schedule 7, part 7, subpart A of such Schedules is amended—

(1) by striking out "745.22," in headnote 2(a); and

(2) by redesignating headnote 4 as headnote 3.

(h) PRESSURE-SENSITIVE ARTICLES.—Schedule 7, part 13, subpart A, headnote 1(ii) of such Schedules is amended by striking "13B" and inserting "13C" in lieu thereof.

SEC. 1108. REPORTING OF STATISTICS ON A COST-INSURANCE-FREIGHT BASIS.

(a) IN GENERAL.—Section 301 of title 13, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) There shall be reported, on monthly and cumulative bases, for each item in the Tariff Schedules of the United States Annotated, the United States port of entry value (as determined under subsection (b)(6)). There shall be reported, on monthly and cumulative bases, the

19 USC 1202.

balance of international trade for the United States reflecting (1) the aggregate value of all United States imports as reported in accordance with the first sentence of this subsection, and (2) the aggregate value of all United States exports. The values and balance of trade required to be reported by this subsection shall be released no later than 48 hours before the release of any other government statistics concerning values of United States imports or United States balance of trade, or statistics from which such values or balance may be derived.

"(f) On or before January 1, 1981, and as often thereafter as may be necessary to reflect significant changes in rates, there shall be reported for each item of the Tariff Schedules of the United States Annotated, the ad valorem or ad valorem equivalent rate of duty which would have been required to be imposed on dutiable imports under that item, if the United States customs values of such imports were based on the United States port of entry value (as reported in accordance with the first sentence of subsection (e)) in order to collect the same amount of duties on imports under that item as are currently collected.".

19 USC 1202.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to reports made after December 31, 1979.

13 USC 301 note.

SEC. 1109. REORGANIZING AND RESTRUCTURING OF INTERNATIONAL TRADE FUNCTIONS OF THE UNITED STATES GOVERNMENT.

19 USC 2111 note.

(a) IN GENERAL.—The President shall submit to the Congress, not later than July 10, 1979, a proposal to restructure the international trade functions of the Executive Branch of the United States Government. In developing his proposal, the President shall consider, among other possibilities, strengthening the coordination and functional responsibilities of the Office of the Special Representative for Trade Negotiations to include, among other things, representation of the United States in all matters before the General Agreement on Tariffs and Trade, the establishment of a board of trade with a coordinating mechanism in the Executive Office of the President, and the establishment of a Department of International Trade and Investment. The recommendations of the President, as embodied in such proposal, should include a monitoring and enforcement structure which would insure protection of United States rights under agreements negotiated pursuant to the Tokyo Round of the Multilateral Trade Negotiations and all other elements of multilateral and bilateral international trade agreements. The proposal should result in an upgrading of commercial programs and commercial attaches overseas to assure that United States trading partners are meeting their trade agreement obligations, particularly those entered into under such agreements, including the tendering procedures of the Agreement on Government Procurement.

26 USC 3083.

Department of International Trade and Investment. Establishment.

(b) CONGRESSIONAL ACTION.—In order to ensure that the 96th Congress takes final action on a comprehensive reorganization of trade functions as soon as possible, the appropriate committee of each House of the Congress shall give the proposal by the President immediate consideration and shall make its best efforts to take final committee action to reorganize and restructure the international trade functions of the United States Government by November 10, 1979.

SEC. 1110. STUDY OF EXPORT TRADE POLICY.

Report to Congress. 19 USC 2111 note.

(a) REVIEW OF EXPORT PROMOTION AND DISINCENTIVES.—The President shall review all export promotion functions of the executive branch and potential programmatic and regulatory disincentives to exports, and shall submit to the Congress a report of that review not later than July 15, 1980. The report should make particular reference to those activities which enhance the role of small and medium-sized businesses in export trade.

(b) CONDITIONS OF COMPETITION STUDY.—Not later than July 15, 1980, the President shall submit to the Congress a study of the factors bearing on the competitive posture of United States producers and the policies and programs required to strengthen the relative competitive position of the United States in world markets. Report to Congress.

SEC. 1111. GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) is amended as follows:

(1) Section 502(a)(3) is amended by inserting "or which is contributing to comprehensive regional economic integration among its members through appropriate means, including, but not limited to, the reduction of duties," immediately before "the President". 19 USC 2462.

(2) Section 502(e) is amended by—

(A) inserting "(1)" immediately after "(e)"; and

(B) adding at the end thereof the following new paragraph:

"(2) The President may exempt from the application of paragraph (2) of subsection (b) any country that enters into a bilateral product-specific trade agreement with the United States under section 101 or 102 of the Trade Act of 1974 before January 3, 1980. The President shall terminate the exemption granted to any country under the preceding sentence if that country interrupts or terminates the delivery of supplies of petroleum and petroleum products to the United States.". 19 USC 2111, 2112.

(3) Section 503(b) is amended— 19 USC 2463.

(A) by amending paragraph (2) to read as follows:

"(2) If the sum of (A) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus (B) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States."; and

(B) by striking out the penultimate sentence.

(4) Section 504 is amended— 19 USC 2464.

(A) by adding at the end of subsection (c) the following new paragraph:

"(3) For purposes of this subsection, the term 'country' does not include an association of countries which is treated as one country under section 502(a)(3), but does include a country which is a member of any such association."; and "Country."

(B) by inserting at the end of subsection (d) the following new sentence: "The President may disregard subsection (c)(1)(B) with respect to any eligible article if the appraised value of the total imports of such article into the United States during the preceding calendar year is not in excess of an amount which bears the same ratio to $1,000,000 as the gross national product of the United States for that calendar year, as determined by the Department of Commerce, bears to the gross national product of the United States for calendar year 1979.".

19 USC 2464 note.

(b) **Effective Date.**—The amendments made by paragraph (4) of subsection (a) shall take effect on April 1, 1980.

19 USC 2582.

SEC. 1112. CONCESSION-RELATED REVENUE LOSSES TO UNITED STATES POSSESSIONS.

(a) **Determinations by Secretary of Commerce.**—

(1) **Impact of concessions.**—Upon the request of the government of a possession of the United States, the Secretary of Commerce shall determine before January 1, 1980—

(A) whether a concession was granted by the United States in the Tokyo Round of the Multilateral Trade Negotiations on an article produced in that possession on which excise taxes are levied by the United States, and

(B) whether the sum of the amounts transferred and paid over to that possession attributable to such taxes for calendar year 1978 were equal to, or greater than, an amount equal to 10 percent of the tax revenues (not including revenues associated with petroleum or petroleum products) of that possession for 1978.

(2) **Annual determinations.**—If the determinations of the Secretary under subparagraphs (A) and (B) of paragraph (1) are affirmative, then he shall determine, within 3 months after the close of each of the fiscal years 1980 through 1984, whether that concession contributed importantly to a reduction in the sum of the amounts transferred and paid over to that possession on account of such excise taxes for the most recently closed fiscal year. In making his determination, the Secretary shall take into account the extent to which other factors may have contributed to the reduction. The Secretary shall determine the amount of the reduction by subtracting the amount so transferred and paid over for the fiscal year from the amount which would have been transferred and paid over for the fiscal year if the products of the possession with respect to which the excise tax is imposed had maintained a share of the United States market for that product which was the share of the United States market for the product for fiscal year 1979.

(b) **Inclusion of Compensatory Amount in Budget of the United States.**—If the Secretary determines an amount under subsection (a)(2), he shall advise the President of that amount and the President may include, in the first Budget or Supplemental Budget submitted under the Budget and Accounting Act, 1921, after receiving such advice, an amount, equal to the amount so determined by the Secretary, for payment to the government of that possession to offset the amount of the reduction. If the President includes an amount different from the amount determined by the Secretary or no amount, the President shall promptly submit a report to the Congress setting forth his reasons for submitting such a different amount. Upon appropriation, such sums shall be paid promptly to the government of such possession. There are authorized to be appropriated such sums as may be necessary for the purposes of this section for fiscal years 1981 through 1985.

31 USC 1.

Report to Congress.

Appropriation authorization.

(c) **Report to the Congress.**—On January 31, 1984, the President shall report to the Congress on the operation of this section, the reductions in revenues determined under this section, and any reductions which are likely to occur in fiscal years beginning after September 30, 1984. If he determines that such action is warranted, he shall recommend to the Congress in such report an extension of the application of this section to such fiscal years.

SEC. 1113. NO BUDGET AUTHORITY FOR ANY FISCAL YEAR BEFORE FISCAL YEAR 1981.

Nothing in this Act shall be construed as authorizing the enactment of new budget authority for any fiscal year beginning before October 1, 1980.

SEC. 1114. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this Act. 19 USC 2581 note.

Approved July 26, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-317 (Comm. on Ways and Means).
SENATE REPORT No. 96-249 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  July 10, 11, considered and passed House.
  July 23, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 30:
  July 26, Presidential statement.

Public Law 96-40
96th Congress

An Act

July 30, 1979
[H.R. 3661]

To increase the authorization of appropriations under the Act of December 22, 1974 (88 Stat. 1712).

Hopi and Navajo Tribes.
Appropriation authorization.
25 USC 640d-24.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25(a)(5) of the Act of December 22, 1974 (88 Stat. 1712, 1723), is amended by deleting the figure "$500,000" therein and inserting, in lieu thereof, the figure of "$1,000,000": *Provided,* That no new budget authority for fiscal year 1979 is authorized to be appropriated.

Approved July 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-134 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 16, considered and passed House.
July 17, considered and passed Senate.

Public Law 96-41
96th Congress

An Act

To revise the Strategic and Critical Materials Stock Piling Act, to require that appropriations for acquisition of strategic and critical materials be authorized by law, to establish a National Defense Stockpile Transaction Fund, and for other purposes.

July 30, 1979
[H.R. 2154]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Strategic and Critical Materials Stock Piling Revision Act of 1979".

Strategic and Critical Materials Stock Piling Revision Act of 1979.
50 USC 98 note.

SEC. 2. (a) The Strategic and Critical Materials Stock Piling Act is amended by striking out the first section and sections 2 through 9 of such Act (50 U.S.C. 98-98h) and inserting in lieu thereof the following:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Strategic and Critical Materials Stock Piling Act'.

50 USC 98.

"FINDINGS AND PURPOSE

50 USC 98a.

"SEC. 2. (a) The Congress finds that the natural resources of the United States in certain strategic and critical materials are deficient or insufficiently developed to supply the military, industrial, and essential civilian needs of the United States for national defense.

"(b) It is the purpose of this Act to provide for the acquisition and retention of stocks of certain strategic and critical materials and to encourage the conservation and development of sources of such materials within the United States and thereby to decrease and to preclude, when possible, a dangerous and costly dependence by the United States upon foreign sources for supplies of such materials in times of national emergency.

"MATERIALS TO BE ACQUIRED: PRESIDENTIAL AUTHORITY AND GUIDELINES

50 USC 98b.

"SEC. 3. (a) The President shall determine from time to time (1) which materials are strategic and critical materials for the purposes of this Act, and (2) the quality and quantity of each such material to be acquired for the purposes of this Act and the form in which each such material shall be acquired and stored. Such materials when acquired, together with the other materials described in section 4 of this Act, shall constitute and be collectively known as the National Defense Stockpile (hereinafter in this Act referred to as the 'stockpile').

National Defense Stockpile.

"(b) The President shall make the determinations required to be made under subsection (a) on the basis of the following principles:

"(1) The purpose of the stockpile is to serve the interest of national defense only and is not to be used for economic or budgetary purposes.

"(2) The quantities of the materials stockpiled should be sufficient to sustain the United States for a period of not less than three years in the event of a national emergency.

Quantity revision; notification to congressional committees.

"(c) The quantity of any material to be stockpiled under this Act, as determined under subsection (a), may not be revised unless the Committees on Armed Services of the Senate and House of Representatives are notified in writing of the proposed revision and the reasons for such revision at least thirty days before the effective date of such revision.

"MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE

50 USC 98c.

"SEC. 4. (a) The stockpile consists of the following materials:

"(1) Materials acquired under this Act and contained in the national stockpile on the day before the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979.

Ante, p. 319.

"(2) Materials acquired under this Act on or after the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979.

"(3) Materials in the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (as in effect from September 21, 1959, through December 31, 1966) on the day before the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979.

7 USC 1704.

"(4) Materials acquired by the United States under the provisions of section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and transferred to the stockpile by the President pursuant to subsection (f) of such section.

"(5) Materials transferred to the United States under section 663 of the Foreign Assistance Act of 1961 (22 U.S.C. 2423) that have been determined to be strategic and critical materials for the purposes of this Act and that are allocated by the President under subsection (b) of such section for stockpiling in the stockpile.

"(6) Materials acquired by the Commodity Credit Corporation and transferred to the stockpile under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

Post, p. 325.

"(7) Materials acquired by the Commodity Credit Corporation under paragraph (2) of section 103(a) of the Act entitled 'An Act to provide for greater stability in agriculture; to augment the marketing and disposal of agricultural products; and for other purposes', approved August 28, 1954 (7 U.S.C. 1743(a)), and transferred to the stockpile under the third sentence of such section.

"(8) Materials transferred to the stockpile by the President under paragraph (4) of section 103(a) of such Act of August 28, 1954.

"(9) Materials transferred to the stockpile under subsection (b).

Excess material, transfer to stockpile.

"(b) Notwithstanding any other provision of law, any material that (1) is under the control of any department or agency of the United States, (2) is determined by the head of such department or agency to be excess to its needs and responsibilities, and (3) is required for the stockpile shall be transferred to the stockpile. Any such transfer shall be made without reimbursement to such department or agency, but all costs required to effect such transfer shall be paid or reimbursed from funds appropriated to carry out this Act.

"AUTHORITY FOR STOCKPILE OPERATIONS

"SEC. 5. (a) Except for acquisitions made under the authority of paragraph (3) or (4) of section 6(a), no funds may be obligated or appropriated for acquisition of any material under this Act unless funds for such acquisition have been authorized by law. Funds appropriated for such acquisition (and for transportation related to such acquisition) shall remain available for a period of five fiscal years, if so provided in appropriation Acts. 50 USC 98d.

"(b) Except for disposals made under the authority of paragraph (4) or (5) of section 6(a) or under section 7(a), no disposal may be made from the stockpile unless such disposal, including the quantity of the material to be disposed of, has been specifically authorized by law.

"(c) There is authorized to be appropriated such sums as may be necessary to provide for the transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile. Funds appropriated for such purposes shall remain available to carry out the purposes for which appropriated for a period of two fiscal years, if so provided in appropriation Acts. Appropriation authorization.

"STOCKPILE MANAGEMENT

"SEC. 6. (a) The President shall— 50 USC 98e.

"(1) acquire the materials determined under section 3(a) to be strategic and critical materials;

"(2) provide for the proper storage, security, and maintenance of materials in the stockpile;

"(3) provide for the refining or processing of any material in the stockpile when necessary to convert such material into the form most suitable for storage and subsequent disposition;

"(4) provide for the rotation of any material in the stockpile when necessary to prevent deterioration of such material by replacement of such material with an equivalent quantity of substantially the same material;

"(5) subject to the notification required by subsection (d)(2), provide for the timely disposal of materials in the stockpile that (A) are excess to stockpile requirements, and (B) may cause a loss to the Government if allowed to deteriorate; and

"(6) dispose of materials in the stockpile the disposal of which is specifically authorized by law.

"(b) Except as provided in subsections (c) and (d), acquisition of strategic and critical materials under this Act shall be made in accordance with established Federal procurement practices, and, except as provided in subsections (c) and (d) and in section 7(a), disposal of materials from the stockpile shall be made by formal advertising or competitive negotiation procedures. To the maximum extent feasible—

"(1) competitive procedures shall be used in the acquisition and disposal of such materials;

"(2) efforts shall be made in the acquisition and disposal of such materials to avoid undue disruption of the usual markets of producers, processors, and consumers of such materials and to protect the United States against avoidable loss; and

"(3) disposal of such materials shall be made for domestic consumption.

"(c)(1) The President shall encourage the use of barter in the acquisition of strategic and critical materials for, and the disposal of Barter.

materials from, the stockpile when acquisition or disposal by barter is authorized by law and is practical and in the best interest of the United States.

Stockpile materials, transference at fair market value.

"(2) Materials in the stockpile, the disposition of which is authorized by law, shall be available for transfer at fair market value as payment for expenses (including transportation and other incidental expenses) of acquisition of materials, or of refining, processing, or rotating materials, under this Act.

"(3) To the extent otherwise authorized by law, property owned by the United States may be bartered for materials needed for the stockpile.

Acquisition or disposal, waiver. Notification to congressional committees.

"(d)(1) The President may waive the applicability of any provision of the first sentence of subsection (b) to any acquisition of material for, or disposal of material from, the stockpile. Whenever the President waives any such provision with respect to any such acquisition or disposal, or whenever the President determines that the application of paragraph (1), (2), or (3) of such subsection to a particular acquisition or disposal is not feasible, the President shall notify the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed acquisition or disposal at least thirty days before any obligation of the United States is incurred in connection with such acquisition or disposal and shall include in such notification the reasons for not complying with any provision of such subsection.

Proposed disposal; notification to congressional committees.

"(2) Materials in the stockpile may be disposed of under subsection (a)(5) only if the Committees on Armed Services of the Senate and House of Representatives are notified in writing of the proposed disposal at least thirty days before any obligation of the United States is incurred in connection with such disposal.

Leasehold interests in property, acquisition.

"(e) The President may acquire leasehold interests in property, for periods not in excess of twenty years, for storage, security, and maintenance of materials in the stockpile.

"SPECIAL DISPOSAL AUTHORITY OF THE PRESIDENT

50 USC 98f.

"SEC. 7. (a) Materials in the stockpile may be released for use, sale, or other disposition—

"(1) on the order of the President, at any time the President determines the release of such materials is required for purposes of the national defense; and

"(2) in time of war declared by the Congress or during a national emergency, on the order of any officer or employee of the United States designated by the President to have authority to issue disposal orders under this subsection, if such officer or employee determines that the release of such materials is required for purposes of the national defense.

Report to congressional committees.

"(b) Any order issued under subsection (a) shall be promptly reported by the President, or by the officer or employee issuing such order, in writing, to the Committees on Armed Services of the Senate and House of Representatives.

"MATERIALS DEVELOPMENT AND RESEARCH

Investigations. 50 USC 98g.

"SEC. 8. (a)(1) The President shall make scientific, technologic, and economic investigations concerning the development, mining, preparation, treatment, and utilization of ores and other mineral substances that (A) are found in the United States, or in its territories or possessions, (B) are essential to the national defense, industrial, and essential civilian needs of the United States, and (C) are found in known domestic sources in inadequate quantities or grades.

"(2) Such investigations shall be carried out in order to— Purpose.

"(A) determine and develop new domestic sources of supply of such ores and mineral substances;

"(B) devise new methods for the treatment and utilization of lower grade reserves of such ores and mineral substances; and

"(C) develop substitutes for such essential ores and mineral products.

"(3) Investigations under paragraph (1) may be carried out on public lands and, with the consent of the owner, on privately owned lands for the purpose of exploring and determining the extent and quality of deposits of such minerals, the most suitable methods of mining and beneficiating such minerals, and the cost at which the minerals or metals may be produced. Investigations on public or private lands.

"(b) The President shall make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 3(a) of this Act to be a strategic and critical material or substitutes therefor. Domestic sources of supplies of agricultural material or commodities, development.

"NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

"SEC. 9. (a) There is established in the Treasury of the United States a separate fund to be known as the National Defense Stockpile Transaction Fund (hereinafter in this section referred to as the 'fund'). Fund establishment. 50 USC 98h.

"(b)(1) All moneys received from the sale of materials in the stockpile under paragraphs (5) and (6) of section 6(a) shall be covered into the fund. Such moneys shall remain in the fund until appropriated or until the end of the third fiscal year following the fiscal year in which they are received. Any such moneys remaining in the fund after the end of such third fiscal year that have not been appropriated shall be transferred to miscellaneous receipts of the Treasury. Any of such moneys that are appropriated shall be disbursed from the fund in the order in which they were covered into the fund.

"(2) Moneys covered into the fund under paragraph (1) shall be available, when appropriated therefor, only for the acquisition of strategic and critical materials under section 6(a)(1) of this Act (and for transportation related to such acquisition).

"(3) If so provided in appropriation Acts, moneys in the fund, when appropriated, shall remain available for a period of five fiscal years.

"(c) All moneys received from the sale of materials being rotated under the provisions of section 6(a)(4) or disposed of under section 7(a) shall be covered into the fund and shall be available only for the acquisition of replacement materials.

"ADVISORY COMMITTEES

"SEC. 10. (a) The President may appoint advisory committees composed of individuals with expertise relating to materials in the stockpile or with expertise in stockpile management to advise the President with respect to the acquisition, transportation, processing, refining, storage, security, maintenance, rotation, and disposal of such materials under this Act. Presidential appointment. 50 USC 98h-1.

"(b) Each member of an advisory committee established under subsection (a) while serving on the business of the advisory committee Travel expenses.

away from such member's home or regular place of business shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons intermittently employed in the Government service.

"REPORTS TO CONGRESS

50 USC 98h-2.

"SEC. 11. The President shall submit to the Congress every six months a written report detailing operations under this Act. Each such report shall include—

"(1) information with respect to foreign and domestic purchases of materials during the preceding six-month period;

"(2) information with respect to the acquisition and disposal of materials under this Act by barter, as provided for in section 6(c) of this Act, during such period;

"(3) a statement and explanation of the financial status of the National Defense Stockpile Transaction Fund and the anticipated appropriations to be made from the fund during the next fiscal year; and

"(4) such other pertinent information on the administration of this Act as will enable the Congress to evaluate the effectiveness of the program provided for under this Act and to determine the need for additional legislation.

"DEFINITIONS

50 USC 98h-3.

"SEC. 12. For the purposes of this Act:

"(1) The term 'strategic and critical materials' means materials that (A) would be needed to supply the military, industrial, and essential civilian needs of the United States during a national emergency, and (B) are not found or produced in the United States in sufficient quantities to meet such need.

"(2) The term 'national emergency' means a general declaration of emergency with respect to the national defense made by the President or by the Congress.".

50 USC 98h-4.

(b)(1) Section 10 of such Act (50 U.S.C. 98h-1) is redesignated as section 13.

Repeal.

(2) Section 11 of such Act is repealed.

50 USC 98 note.
Commodity set-aside, reduction.

SEC. 3. (a)(1) Section 103(a) of the Act entitled "An Act to provide for greater stability in agriculture; to augment the marketing and disposal of agricultural products; and for other purposes", approved August 28, 1954 (7 U.S.C. 1743(a)), is amended—

(A) by striking out "the national stockpile established pursuant to the Act of June 7, 1939, as amended (50 U.S.C. 98-98h)" in paragraph (4) and inserting in lieu thereof "the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)";

(B) by striking out "the national stockpile established pursuant to the Act of June 7, 1939, as amended" in the third sentence and inserting in lieu thereof "the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act"; and

50 USC 98 note.

(C) by striking out "funds appropriated pursuant to section 8 of such Act of June 7, 1939" in the third sentence and inserting in lieu thereof "funds appropriated for the purposes of that Act".

Computation of carry-over.

(2) Section 105 of such Act (7 U.S.C. 1745) is amended by striking out "the national stockpile established pursuant to the Act of June 7, 1939, as amended (50 U.S.C. 98-98h)" and inserting in lieu thereof

"the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)".

(b) Section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) is amended—

Commodity Credit Corporation, general powers. 50 USC 98a.

(1) by striking out "section 2 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596)" and inserting in lieu thereof "section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a)"; and

50 USC 98b.

(2) by striking out "the Munitions Board of the National Military Establishment" and inserting in lieu thereof "the President".

(c) Section 303(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(f)) is amended—

Transfer of excess materials to stockpile.

(1) by striking out "the national stockpile established pursuant to the Act of June 7, 1939, as amended (50 U.S.C. 98-98h)," in the first sentence and inserting in lieu thereof "the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)"; and

(2) by striking out "from funds available under such Act of June 7, 1939, as amended" and inserting in lieu thereof "from funds appropriated for the purposes of such Act".

(d) Section 204(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(f)) is amended by striking out "the Munitions Board" and inserting in lieu thereof "the President".

Acceptance of property in lieu of cash.

SEC. 4. Any provision authorizing the enactment of new budget authority contained in the amendments made by this Act shall be effective on October 1, 1979.

Effective date. 50 USC 98 note.

Approved July 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-46 (Comm. on Armed Services).
SENATE REPORT No. 96-201 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Mar. 19, considered and passed House.
  June 13, considered and passed Senate, amended.
  July 13, House concurred in Senate amendment.

Public Law 96-42
96th Congress

An Act

July 31, 1979
[H.R. 4712]

To delay conditionally the effective date of certain rules of procedure and evidence proposed by the United States Supreme Court, and for other purposes.

Federal rules of procedure and evidence, delay of effective date.
18 USC 3771 note.
28 USC 2071 note.
House Document 96-112.
18 USC app.
28 USC app.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of section 3771 or 3772 of title 18 of the United States Code or of section 2072, 2075, or 2076 of title 28 of the United States Code to the contrary—

(1) the amendments proposed by the United States Supreme Court and transmitted by the Chief Justice on April 30, 1979, to the Federal Rules of Criminal Procedure affecting rules 11(e)(6), 17(h), 32(f), and 44(c), and adding new rules 26.2 and 32.1, and the amendment so proposed and transmitted to the Federal Rules of Evidence affecting rule 410, shall not take effect until December 1, 1980, or until and then only to the extent approved by Act of Congress, whichever is earlier; and

(2) the amendment proposed by the United States Supreme Court and transmitted by the Chief Justice on April 30, 1979, affecting rule 40 of the Federal Rules of Criminal Procedure shall take effect on August 1, 1979, with the following amendments:

(A) In the matter designated as paragraph (1) of subdivision (d), strike out "in accordance with Rule 32.1(a)".

(B) In the matter designated as paragraph (2) of subdivision (d), strike out "in accordance with Rule 32.1(a)(1)".

Approved July 31, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
July 23, considered and passed House.
July 24, considered and passed Senate.

Public Law 96-43
96th Congress

An Act

To amend the Speedy Trial Act of 1974.

Aug. 2, 1979
[S. 961]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Speedy Trial Act Amendments Act of 1979".

Speedy Trial Act Amendments of 1979.
18 USC 3161 note.

SEC. 2. Section 3161(c) of title 18, United States Code, is amended to read as follows:

"(c)(1) In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs. If a defendant consents in writing to be tried before a magistrate on a complaint, the trial shall commence within seventy days from the date of such consent.

"(2) Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.".

SEC. 3. (a) Section 3161(d) of that title is amended— 18 USC 3161.

(1) by inserting "(1)" immediately after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) If the defendant is to be tried upon an indictment or information dismissed by a trial court and reinstated following an appeal, the trial shall commence within seventy days from the date the action occasioning the trial becomes final, except that the court retrying the case may extend the period for trial not to exceed one hundred and eighty days from the date the action occasioning the trial becomes final if the unavailability of witnesses or other factors resulting from the passage of time shall make trial within seventy days impractical. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitations specified in this section. The sanctions of section 3162 apply to this subsection.". 18 USC 3162.

(b) Section 3161(e) of that title is amended—

(1) by striking out "sixty" wherever it appears and inserting in lieu thereof "seventy"; and

(2) by adding at the end the following: "The periods of delay enumerated in section 3161(h) are excluded in computing the time limitations specified in this section. The sanctions of section 3162 apply to this subsection.".

SEC. 4. Section 3161(h)(1) of that title is amended to read as follows: 18 USC 3161.

"(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to—

"(A) delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant;

"(B) delay resulting from any proceeding, including any examination of the defendant, pursuant to section 2902 of title 28, United States Code;

"(C) delay resulting from deferral of prosecution pursuant to section 2902 of title 28, United States Code;

"(D) delay resulting from trial with respect to other charges against the defendant;

"(E) delay resulting from any interlocutory appeal;

"(F) delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion;

"(G) delay resulting from any proceeding relating to the transfer of a case or the removal of any defendant from another district under the Federal Rules of Criminal Procedure; 18 USC app.

"(H) delay resulting from transportation of any defendant from another district, or to and from places of examination or hospitalization, except that any time consumed in excess of ten days from the date an order of removal or an order directing such transportation, and the defendant's arrival at the destination shall be presumed to be unreasonable;

"(I) delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government; and

"(J) delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement by the court.".

18 USC 3161.

SEC. 5. (a) Section 3161(h)(8)(B)(ii) of that title is amended to read as follows:

"(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.".

(b) Section 3161(h)(8)(B)(iii) of that title is amended to read as follows:

"(iii) Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.".

(c) Section 3161(h)(8)(B) of that title is further amended by adding at the end the following new clause:

"(iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.".

18 USC 3163.
Post, p. 331;
18 USC 3162.

SEC. 6. Section 3163(c) of that title is amended to read as follows:

"(c) Subject to the provisions of section 3174(c), section 3162 of this chapter shall become effective and apply to all cases commenced by arrest or summons, and all informations or indictments filed, on or after July 1, 1980.".

SEC. 7. Section 3164 of that title is amended— 18 USC 3164.

(1) by amending the section heading to read as follows:

"§ 3164. Persons detained or designated as being of high risk";

(2) by amending subsection (a) to read as follows:

"(a) The trial or other disposition of cases involving—

"(1) a detained person who is being held in detention solely because he is awaiting trial, and

"(2) a released person who is awaiting trial and has been designated by the attorney for the Government as being of high risk,

shall be accorded priority."; and

(3) by amending subsection (b) to read as follows:

Trial, effective date.

"(b) The trial of any person described in subsection (a)(1) or (a)(2) of this section shall commence not later than ninety days following the beginning of such continuous detention or designation of high risk by the attorney for the Government. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitation specified in this section.". *Ante*, p. 327.

SEC. 8. Section 3165(e) of that title is amended— 18 USC 3165.

(1) in paragraph (2), by striking out "subsequent" and inserting in lieu thereof "fifth", and

(2) by adding at the end the following:

U.S. district court, submittal of plans.

"(3) Not later than June 30, 1980, each United States district court with respect to which implementation has not been ordered under section 3174(c) shall prepare and submit a plan in accordance with subsections (a) through (d) to govern the trial or other disposition of offenses within the jurisdiction of such court during the sixth and subsequent twelve-calendar-month periods following the effective date of subsection 3161(b) and subsection 3161(c) in effect prior to the date of enactment of this paragraph.". 18 USC 3161.

Time limits. 18 USC 3166.

SEC. 9. (a) Section 3166(b) of that title is amended—

(1) in paragraph (7), by striking out "and" immediately after the semicolon;

(2) in paragraph (8), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(9) the impact of compliance with the time limits of subsections (b) and (c) of section 3161 upon the civil case calendar in the district.".

(b) Section 3166(c) of that title is amended—

(1) in paragraph (5), by striking out "and" immediately after the semicolon;

(2) in paragraph (6), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(7)(A) the number of new civil cases filed in the twelve-calendar-month period preceding the submission of the plan;

"(B) the number of civil cases pending at the close of such period; and

"(C) the increase or decrease in the number of civil cases pending at the close of such period, compared to the number pending at the close of the previous twelve-calendar-month period, and the length of time each such case has been pending.".

(c) Section 3166 of that title is further amended by adding at the end the following new subsection:

Guidelines.

"(f) Each plan may be accompanied by guidelines promulgated by the judicial council of the circuit for use by all district courts within that circuit to implement and secure compliance with this chapter.".

18 USC 3168.

(d) Section 3168(a) of that title is amended by striking out "a private attorney experienced in the defense of criminal cases in the district" and inserting in lieu thereof "two private attorneys, one with substantial experience in the defense of criminal cases in the district and one with substantial experience in civil litigation in the district".

Reports to Congress.
18 USC 3167.

(e) Section 3167 of that title is amended—

(1) in subsection (b), by adding at the end the following: "Such reports shall also include the following:

18 USC 3161; *ante*, p. 327.

"(1) The reasons why, in those cases not in compliance with the time limits of subsections (b) and (c) of section 3161, the provisions of section 3161(h) have not been adequate to accommodate reasonable periods of delay.

"(2) The category of offenses, the number of defendants, and the number of counts involved in those cases which are not meeting the time limits specified in subsections (b) and (c) of section 3161.

"(3) The additional judicial resources which would be necessary in order to achieve compliance with the time limits specified in subsections (b) and (c) of section 3161.

"(4) The nature of the remedial measures which have been employed to improve conditions and practices in those districts with low compliance experience under this chapter or to promote the adoption of practices and procedures which have been successful in those districts with high compliance experience under this chapter.

Post, p. 331; 18 USC 3174.

"(5) If a district has experienced difficulty in complying with this chapter, but an application for relief under section 3174 has not been made, the reason why such application has not been made.

"(6) The impact of compliance with the time limits of subsections (b) and (c) of section 3161 upon the civil case calendar in each district as demonstrated by the information assembled and statistics compiled and submitted under sections 3166 and 3170.";

(2) by adding at the end the following new subsection:

Report to Congress.

"(c) Not later than December 31, 1979, the Department of Justice shall prepare and submit to the Congress a report which sets forth the impact of the implementation of this chapter upon the office of the United States Attorney in each district and which shall also include—

"(1) the reasons why, in those cases not in compliance, the provisions of section 3161(h) have not been adequate to accommodate reasonable periods of delay;

"(2) the nature of the remedial measures which have been employed to improve conditions and practices in the offices of the United States Attorneys in those districts with low compliance experience under this chapter or to promote the adoption of practices and procedures which have been successful in those districts with high compliance experience under this chapter;

"(3) the additional resources for the offices of the United States Attorneys which would be necessary to achieve compliance with the time limits of subsections (b) and (c) of section 3161;

"(4) suggested changes in the guidelines or other rules implementing this chapter or statutory amendments which the Department of Justice deems necessary to further improve the administration of justice and meet the objectives of this chapter; and

"(5) the impact of compliance with the time limits of subsections (b) and (c) of section 3161 upon the litigation of civil cases by the offices of the United States Attorneys and the rule changes, statutory amendments, and resources necessary to assure that such litigation is not prejudiced by full compliance with this chapter.".

Civil cases, compliance with time limits. 18 USC 3161; *ante*, p. 327.

(f) Section 3170(a) of that title is amended in the first sentence—

18 USC 3170.

(1) by striking out "and" after "process" and inserting in lieu thereof a comma;

(2) by inserting a comma after "limits";

(3) by inserting "continuous and permanent compliance with the" immediately before "objectives"; and

(4) by striking out "required by" and inserting in lieu thereof "described in".

SEC. 10. Section 3174 of that title is amended—

18 USC 3174.

(1) by striking out the period after the first sentence in subsection (a) and inserting in lieu thereof the following: "as provided in subsection (b).";

(2) by striking the first two sentences of subsection (b) and inserting the following in lieu thereof: "If the judicial council of the circuit finds that no remedy for such congestion is reasonably available, such council may, upon application by the chief judge of a district, grant a suspension of the time limits in section 3161(c) in such district for a period of time not to exceed one year for the trial of cases for which indictments or informations are filed during such one-year period.";

Time limits, suspension.

(3) by striking out "arrangement" in the third sentence of subsection (b) and inserting in lieu thereof "indictment";

(4) by amending subsection (c) to read as follows:

"(c)(1) If, prior to July 1, 1980, the chief judge of any district concludes, with the concurrence of the planning group convened in the district, that the district is prepared to implement the provisions of section 3162 in their entirety, he may apply to the judicial council of the circuit in which the district is located to implement such provisions. Such application shall show the degree of compliance in the district with the time limits set forth in subsections (b) and (c) of section 3161 during the twelve-calendar-month period preceding the date of such application and shall contain a proposed order and schedule for such implementation, which includes the date on which the provisions of section 3162 are to become effective in the district, the effect such implementation will have upon such district's practices and procedures, and provision for adequate notice to all interested parties.

Judicial council, implementation of provisions.

"(2) After review of any such application, the judicial council of the circuit shall enter an order implementing the provisions of section 3162 in their entirety in the district making application, or shall return such application to the chief judge of such district, together with an explanation setting forth such council's reasons for refusing to enter such order.";

(5) by adding at the end the following:

"(d)(1) The approval of any application made pursuant to subsection (a) or (c) by a judicial council of a circuit shall be reported within ten days to the Director of the Administrative Office of the United States Courts, together with a copy of the application, a written report setting forth in sufficient detail the reasons for granting such

Application approval.

application, and, in the case of an application made pursuant to subsection (a), a proposal for alleviating congestion in the district.

Report to Congress and to Judicial Conference of United States.

"(2) The Director of the Administrative Office of the United States Courts shall not later than ten days after receipt transmit such report to the Congress and to the Judicial Conference of the United States. The judicial council of the circuit shall not grant a suspension to any district within six months following the expiration of a prior suspension without the consent of the Congress by Act of Congress. The limitation on granting a suspension made by this paragraph shall not apply with respect to any judicial district in which the prior suspension is in effect on the date of the enactment of the Speedy Trial Act Amendments Act of 1979.

"(e) If the chief judge of the district court concludes that the need for suspension of time limits in such district under this section is of great urgency, he may order the limits suspended for a period not to exceed thirty days. Within ten days of entry of such order, the chief judge shall apply to the judicial council of the circuit for a suspension pursuant to subsection (a)."; and

(6) by amending the section heading to read as follows:

"§ 3174. Judicial emergency and implementation".

SEC. 11. (a) The item relating to section 3164 in the table of sections for chapter 208 of such title is amended to read as follows:

"3164. Persons detained or designated as being of high risk.".

(b) The item relating to section 3174 in the table of sections for chapter 208 of such title is amended to read as follows:

"3174. Judicial emergency and implementation.".

Approved August 2, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-390 (Comm. on the Judiciary).
SENATE REPORT No. 96-212 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  June 19, considered and passed Senate.
  July 31, considered and passed House, amended; Senate concurred in House amendments.

Public Law 96-44
96th Congress

An Act

To authorize appropriations for activities for the National Science Foundation for fiscal year 1980, and for other purposes.

Aug. 2, 1979
[H.R. 2729]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Year 1980".

National Science Foundation Authorization Act for Fiscal Year 1980.

Sec. 2. (a) There is hereby authorized to be appropriated to the National Science Foundation for the fiscal year 1980 for the following categories:

(1) Mathematical and Physical Sciences and Engineering, $293,400,000.

(2) Astronomical, Atmospheric, Earth, and Ocean Sciences, $241,500,000.

(3) United States Antarctic Program, $55,000,000.

(4) Biological, Behavioral, and Social Sciences, $170,000,000.

(5) Science Education Programs, $86,200,000.

(6) Applied Science and Research Applications, $68,700,000.

(7) Scientific, Technological, and International Affairs, $27,300,000.

(8) Program Development and Management, $59,600,000.

(b) Of the total amount authorized under subsection (a)(5)—

(1) $750,000 is authorized for a program of education in appropriate technology;

(2) $2,050,000 is authorized for the program Ethics and Values in Science and Technology; and

(3) $2,250,000 is authorized for the program Minorities, Women and the Handicapped in Science.

(c) Of the total amount authorized under subsection (a)(6)—

(1) $21,800,000 is authorized for the program of Earthquake Hazards Mitigation;

(2) $2,600,000 is authorized for the program of Science and Technology to Aid the Handicapped;

(3) $2,000,000 is authorized for a program in appropriate technology; and

(4) not less than 12.5 per centum shall be expended to small business concerns.

(d) Of the total amount authorized under subsection (a)(7), $1,500,000 is authorized for the State Science, Engineering, and Technology program.

(e) Of the amount authorized under subsections (a)(1), (a)(2), and (a)(4) for equipment and instrumentation, not less than 4 per centum shall be available for grants to two and four year colleges for equipment and instrumentation costing $25,000 or less.

SEC. 3. Appropriations made under the authority provided in sections 2 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making the appropriations.

SEC. 4. From appropriations made under the authority provided in this Act, not more than $3,500 may be used for official consultation, representation, or other extraordinary expenses upon the determination of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to the sums authorized by section 2, not more than $6,000,000 is authorized to be appropriated for the fiscal year 1980 for expenses of the National Science Foundation incurred outside the United States, to be paid for in foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. Funds may be transferred among the categories listed in section 2(a), but neither the total funds transferred from any category nor the total funds transferred to any category may exceed 10 per centum of the amount authorized for that category in section 2(a) unless—

(1) thirty calendar days on each of which at least one House of Congress is in session have passed after the Director of the National Science Foundation or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the Committee on Science and Technology of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

(2) before the expiration of the thirty days both the Committee on Science and Technology of the House and the Committee on Labor and Human Resources of the Senate have written to the Director to the effect that they have no objection to the proposed transfer.

42 USC 1862 note.

42 USC 1862, 1864a.

SEC. 7. In partial fulfillment of the established statutory requirement that the National Science Foundation evaluate the status of and current and projected need for scientific resources (section 3(a) (5) and (6) of Public Law 81-507, as amended), the National Science Foundation shall develop indices, correlates, or other suitable measures or indicators of the status of scientific instrumentation in the United States and of the current and projected need for scientific and technological instrumentation.

Flood Hazard Mitigation Study.
42 USC 1862 note.

SEC. 8. The National Science Foundation shall conduct a Flood Hazard Mitigation Study and shall report to the Congress with specific program recommendations by the end of the fiscal year 1980.

Sec. 9. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Labor and Human Resources of the Senate and the Committee on Science and Technology of the House of Representatives fully and currently informed with respect to all of the activities of the National Science Foundation. 42 USC 1882.

Approved August 2, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-61 (Comm. on Science and Technology) and No. 96-321 (Comm. of Conference).
SENATE REPORTS: Nos. 96-106 (accompanying S. 527) and 96-107 (both from Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- Mar. 27, considered and passed House.
- May 8, S. 527 passed Senate; proceedings vacated and H.R. 2729, amended, passed in lieu.
- July 13, House agreed to conference report.
- July 18, Senate agreed to conference report.

Public Law 96-45
96th Congress

Joint Resolution

Aug. 3, 1979
[H.J. Res. 373]

Recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

Whereas August 1, 1979, marks the thirty-fifth anniversary of the Warsaw uprising, an event of major significance in the history of World War II;

Whereas on August 1, 1944, the Polish Home Army under the command of General Tedeusz Bor-Komorowski rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet advance through Eastern Europe, held major portions of the city for sixty-three days against insuperable odds, and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which approximately two hundred and fifty thousand Poles were killed, wounded, or missing;

Whereas September 1, 1979, marks the fortieth anniversary of the invasion of Poland by the Army and Air Force of the Third Reich, which was followed just sixteen days later by the Soviet invasion from the East and the subsequent occupation of a zone populated by thirteen million Poles, these events having led to the development of a strong underground movement directed by the Polish Government-in-exile;

Whereas the spirit of Polish resistance to foreign oppression is symbolized by these historic events and remains a vital element in the Polish national character; and

Whereas, in prior years, the President has granted special recognition to these important days in Polish history, with particular regard to the crucial role of the Polish Home Army: Now, therefore, be it

Warsaw uprising and Polish resistance, anniversaries.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States joins in recognizing the anniversary of the Warsaw uprising, which stands as a poignant reminder to the world of the power of the human spirit over adversity, and the anniversary of the Polish resistance to the World War II invasion of Poland, which symbolizes the continuing struggle of the Polish people and freedom loving people everywhere in the preservation of their liberties and in fulfillment of their national aspirations.

Approved August 3, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
July 16, considered and passed House.
July 23, considered and passed Senate.

Public Law 96-46
96th Congress

An Act

Aug. 6, 1979
[H.R. 4591]

To make technical corrections and miscellaneous amendments in certain education laws contained in the Education Amendments of 1978, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended—

Elementary and Secondary Education Act of 1965, amendment.
20 USC 821 note.
20 USC 2721.
20 USC 2733.
20 USC 2734.
20 USC 2735.

(1) by striking out "subsection (o)" in section 116(b)(2) and inserting in lieu thereof "subsection (c)";

(2) by striking out "but did not meet" in section 123(b) and inserting in lieu thereof "but did meet";

(3) by striking out "section 183(g)" in section 124(g)(1) and inserting in lieu thereof "section 183(b)";

(4) by striking out subparagraphs (A), (B), and (C) of section 125(a)(1) and inserting in lieu thereof the following:

"(A) has a majority of members who are parents of children to be served by projects assisted under this title, who shall either be (i) elected by the project area or school advisory councils required to be established by paragraph (2)(A) of this subsection, or (ii) elected by the parents in such areas;

"(B) includes such additional members as may be (i) elected by the project area or school advisory councils required to be established by paragraph (2)(A) of this subsection, or (ii) elected by the parents in such areas;

"(C) includes representatives of children and schools eligible to be served by, but not currently participating in, programs assisted with funds provided under this title, who shall be elected by the parents in such areas; and

"(D) is established in accordance with regulations to be issued by the Commissioner which provide alternative models to carry out subparagraphs (A) through (C) of this paragraph.";

(5) by amending the matter preceding clause (A) of section 125(c)(1) to read as follows:

"(c) ACCESS TO INFORMATION.—(1) Each local educational agency shall provide without charge to each advisory council established by such an agency under subsection (a) of this section, and, upon request, to each member of such advisory council—";

20 USC 2740.

(6) by striking out "and (l)" in section 130(a) and inserting in lieu thereof "and (m)";

20 USC 2762.

(7) by striking out "126(d), and 130" in section 142(a)(3) and by inserting in lieu thereof "and 126(d)";

(8) by striking out "subsection" in section 142(b) and inserting in lieu thereof "section";

20 USC 2763.

(9) by amending section 143(b) to read as follows:

"(b) AVAILABILITY OF FUNDS.—The Commissioner shall, from the funds appropriated for carrying out this subpart, reserve for purposes of this section for any fiscal year an amount which shall not be less than $6,000,000 nor more than 5 per centum of the amount so appropriated.";

(10) by striking out "126(e), and 130" in section 147 and inserting in lieu thereof "and 126(e)"; 20 USC 2772.

(11) by striking out "126(e), and 130" in section 152(a) and inserting in lieu thereof "and 126(e)"; 20 USC 2782.

(12) by striking out "130(a)(1)" in section 222(c) and inserting in lieu thereof "130(a)"; 20 USC 2902.

(13) by striking "part B" in section 404(a)(7) and by inserting in lieu thereof "part B, section 521,"; 20 USC 3084.

(14) by striking out "section 431(a)" in section 404(a)(8) and inserting in lieu thereof "section 521";

(15) by striking out "421" in section 404(a)(9) and inserting in lieu thereof "521";

(16)(A) by striking out "(A)" and "(B)" in section 523(b) and inserting in lieu thereof "(1)" and "(2)", respectively; 20 USC 3163.

(B) by inserting "(A)" in section 523(b)(1) (as redesignated) before "15 percent"; and

(C) by inserting before the comma in section 523(b)(1) (as redesignated) the following: "or (B) the amount made available to all States for fiscal year 1973 for title V as in effect in such year, whichever is greater"; 20 USC 3141 *et seq.*

(17) by inserting after section 523 the following new section:

"ALLOTMENTS TO STATES

"Sec. 524. (a) From the amount appropriated under this part to meet the requirement of section 523(b)(1) for any fiscal year, the Commissioner shall allot to each State an amount equal to the allotment of the State for strengthening activities in the fiscal year 1973 pursuant to title V as in effect in such year to be available to carry out this part. 20 USC 3164.

"(b) From the amounts appropriated in excess of the amount appropriated to meet the requirement of subsection (a), the Commissioner shall award grants to States on a discretionary basis to be available to carry out this part.";

(18) by inserting "(1)" in section 610(f) after the subsection designation and by adding at the end of such subsection the following new paragraph: 20 USC 3200.

"(2) The Assistant Secretary shall not finally disapprove in whole or in part any application for funds submitted by a State or local educational agency without first notifying the agency of the specific reasons for his disapproval and without affording the agency an appropriate opportunity to modify its application.";

(19) by inserting "(1)" in section 809(b) after the subsection designation and by adding at the end of such subsection the following new paragraph: 20 USC 3289.

"(2) No grant may be made to a local education agency to plan, direct, or operate any program or activity that is being conducted by another public agency unless the Commissioner determines that there is collaboration between the local education agency and the public agency conducting such program or activity.";

(20) by striking out the section designation "Sec. 1004." (as amended by section 901(b) of the Education Amendments of 1978), and inserting in lieu thereof "Sec. 1003."; and 20 USC 3384. 92 Stat. 2305.

(21) by adding at the end of section 1005(e) the following new paragraph: 20 USC 3384; 3383.

"(3) From the funds appropriated pursuant to subsection (g)(1) of this section, the Commissioner is also authorized to make grants to 20 USC 3385.

and contracts with Indian tribes, Indian institutions, and Indian organizations, and public agencies and institutions for—

"(A) the national dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(B) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.".

92 Stat. 2143.

SEC. 2. (a) The Education Amendments of 1978 are amended—

20 USC 3381 *et seq.*

(1) by striking out "IX" in section 801(1) and inserting in lieu thereof "X";

20 USC 3381-3386.
20 USC 3311 *et seq.*

(2) by striking out "XIII" in section 802 and inserting in lieu thereof "VIII";

20 USC 3384, 3383.

(3) by striking out "1004" in section 901(b) and inserting in lieu thereof "1003";

20 USC 1221-1 note.

(4) by striking out "December 31, 1979, and December 31, 1980, and shall make a final report thereto no later than December 31, 1981" in section 1203(f) and by inserting in lieu thereof "December 31, 1980, and December 31, 1981, and shall make a final report thereto no later than December 31, 1982";

20 USC 236 note.

(5) by striking out "1979" in section 1015(d) and inserting in lieu thereof "1980";

20 USC 1211a.

(6)(A) by striking out "314" in section 1311(a)(1) and inserting in lieu thereof "316";

(B) by striking out "314" in section 1311(a)(2) and inserting in lieu thereof "316";

(C) by striking out in section 1311(b) "redesignating subsections (b), (c), and (d) as subsections" and inserting in lieu thereof "striking out 'July 1, 1978' and inserting in lieu thereof";

20 USC 1211b note.

(7) by striking out "section 201(a)(3)" in section 1331(b) and inserting in lieu thereof "section 201(b)(3)";

20 USC 930.

(8) by striking out "one year" in section 1412(a)(2) and inserting in lieu thereof "two years";

20 USC 1231a note.

(9) by striking out "one year" in section 1526 and by inserting in lieu thereof "eighteen months";

20 USC 2701 note.

(10) by inserting "(a)" before "Except" in section 1530 and by adding at the end thereof the following new subsection:

92 Stat. 2354.
20 USC 1225.
20 USC 3101.

"(b) The provisions of section 412(b)(2) of the General Education Provisions Act, as added by section 1245 of this Act, shall not take effect with respect to the use of funds under section 421 of the Elementary and Secondary Education Act of 1965 until October 1, 1980, except at the option of local educational agencies."; and

(11)(A) by inserting at the end of title I the following new section:

"EXPERIMENTAL PROJECT WAIVER AUTHORITY CONTINUED

20 USC 1221e note.
20 USC 236 *et seq.*
20 USC 1221e note.

"SEC. 103. Notwithstanding any other provision of title I of the Elementary and Secondary Education Act of 1965, the Commissioner shall approve for fiscal year 1979 the use of funds provided under that title under the same terms and conditions as such uses were permitted during the preceding fiscal year in local educational agencies which participated in the study conducted under section 821(a)(5) of the Education Amendments of 1974 when such agency requests such approval."; and

(B) by adding in the table of contents after item "SEC. 102." the following new item:

"Sec. 103. Experimental project waiver authority continued.".

(b) Title XI of the Education Amendments of 1978 is amended— 92 Stat. 2313.

(1) by striking out "the Secretary of the Interior shall" and everything that follows through the end of the first sentence of section 1103(a)(1) and inserting in lieu thereof the following: "the Secretary of the Interior shall make payments of all funds appropriated under the authority of the Act of November 2, 1921, for fiscal year 1978 (including any fiscal year 1978 funds subsequently obligated in fiscal year 1979 from such appropriation) for basic support contracts or grants to any school that had a deficit in its operating budget for fiscal year 1978 as a consequence of the lack of complete payment from the Department of the Interior for such contract or grant."; 25 USC 13 note. 25 USC 13.

(2) by striking out "fifteen months" in the first sentence of section 1121(b)(1) and inserting in lieu thereof "eighteen months"; 25 USC 2001.

(3) by striking out "eighteen months" in the second sentence of section 1121(b)(1) and inserting in lieu thereof "twenty-one months";

(4) by striking out "Within one year of such date," in section 1121(f) and inserting in lieu thereof "No later than January 1, 1981,";

(5) by striking out "Within one year of such date," in section 1122(c) and inserting in lieu thereof "No later than January 1, 1981,"; 25 USC 2002.

(6) by inserting immediately before the period at the end of the first sentence of section 1126(b) a comma and the following: "including (but not limited to) school or institution custodial or maintenance personnel"; 25 USC 2006.

(7) by striking out paragraph (4) of section 1128(a), by redesignating paragraph (5) of such section as paragraph (4), and by adding at the end of such section the following new sentence: 25 USC 2008.

"Upon the establishment of the standards required by sections 1121 and 1122 of this Act, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established.";

(8) by redesignating subsection (c) of section 1128 as subsection (d) and by inserting immediately after subsection (b) of such section the following new subsection:

"(c) The formula established under subsection (a) of this section shall be implemented for fiscal year 1980 and each succeeding fiscal year, except that—

"(1) for fiscal year 1980, no school shall as a consequence of such formula receive less than 90 per centum, nor more than 120 per centum, of the funds it received from Bureau education funds for fiscal year 1979;

"(2) for fiscal year 1981, no school shall as a consequence of such formula receive less than 70 per centum, nor more than 170 per centum, of the funds it received from Bureau education funds for fiscal year 1979; and

"(3) for fiscal year 1982 and any succeeding fiscal year the formula shall be fully implemented."; and

(9) by striking out "and" at the end of paragraph (5) of section 1132, by striking out the period at the end of paragraph (6) of such section and inserting in lieu thereof "; and", and by adding after such paragraph the following new paragraph: 25 USC 2012.

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.".

20 USC 241-1.

SEC. 3. (a) Section 7(a)(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out "October 1, 1978" each place it appears in subparagraphs (A) and (B) and inserting in lieu thereof "October 1, 1983".

20 USC 240.

(b)(1) Section 5(b)(3)(C)(i) of such Act is amended by striking out "may file" and inserting in lieu thereof "may, in its discretion and without regard to the requirements of any other provision of law, file".

Supra.

(2) Section 5(b)(3) of such Act is further amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

20 USC 240 note.

20 USC 238.

"(E) If the local educational agency rejects the determination of the Commissioner and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with that Agency, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action (under such subsection (d)) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 3(d)(2)(D) of this Act. In such event, funds under such section shall not be withheld pursuant to subparagraph (D) and no further complaints with respect to such students may be filed under subparagraph (C)(i).".

(3) Section 5(c)(2)(A)(v) of such Act is amended by striking out "clause (A)(ii) of this paragraph" and inserting in lieu thereof "clause (i)(II) of this subparagraph".

92 Stat. 2338.
20 USC 1221-3.

SEC. 4. (a) Section 400A of the General Education Provisions Act is amended—

(1) by striking out the subsection designation "(f)" the first time it appears in such section and inserting in lieu thereof "(3)"; and

(2) by striking out "paragraph (6)" in subsection (g)(2) and inserting in lieu thereof "subsections (f) (1) and (2)".

20 USC 1226c.

(b) Section 417(a) of the General Education Provisions Act is amended by striking out the paragraph designation "(1)" and by repealing paragraph (2).

20 USC 1232g.

(c) Section 438(b) of the General Education Provisions Act is amended by adding at the end thereof the following new paragraph:

"(5) Nothing in this section shall be construed to prohibit State and local educational officials from having access to student or other records which may be necessary in connection with the audit and evaluation of any federally or State supported education program or in connection with the enforcement of the Federal legal requirements which relate to any such program, subject to the conditions specified in the proviso in paragraph (3).".

20 USC 2308.

20 USC 2391.
20 USC 1232f.

SEC. 5. (a) Section 108(b)(2)(B) of the Vocational Educational Act of 1963 is amended by inserting before the semicolon a comma and the following: "except that the Commissioner may modify this requirement pursuant to regulations in order to avoid any duplication of data-collection occurring under section 161 or under section 437 of the General Education Provisions Act".

20 USC 2310.

(b) Section 110 of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new subsection:

"(e) Pursuant to regulations established by the Commissioner, a State may exceed the 50 per centum Federal share specified in subsections (a) and (b) of the percentages set aside in subsections (a) and (b) by making larger payments with such funds to local educational agencies and other eligible recipients which are otherwise financially unable to provide such programs.".

SEC. 6. Section 4 of the Career Education Incentive Act is amended— 20 USC 2603.

(1) by striking out "(a) Subject to the provisions of subsections (b) and (c), there" and inserting in lieu thereof "There", and

(2) by repealing subsections (b) and (c).

SEC. 7. Section 453(c) of the Indian Education Act is amended— 20 USC 1221h.

(1) by striking out "In establishing" and inserting in lieu thereof "On the form establishing"; and

(2) by adding at the end thereof the following new sentence: "Nothing in the requirements of paragraphs (1) through (5) of this subsection shall be construed as changing or restricting the applicable eligibility definition set forth in subsection (a) of this section.".

SEC. 8. The amendments made by this Act shall take effect October 1, 1978. 20 USC 2701 note.

Approved August 6, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-338 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 23, considered and passed House.
July 24, considered and passed Senate.

Public Law 96-47
96th Congress

An Act

Aug. 8, 1979
[S. 976]

To authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1980.

Treasury Department, international affairs functions. Appropriations authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of November 8, 1978 (92 Stat. 3092) is amended—

(1) by inserting "(a)" after "Sec. 5.";

(2) by inserting "and $22,375,000 for fiscal year 1980," after "1979"; and

(3) by adding at the end thereof the following:

"(b) In addition to the amount authorized by subsection (a), there are authorized to be appropriated for fiscal year 1980 not to exceed $800,000 which shall be available only for the payment of (1) any increase pursuant to the Federal Pay Comparability Act of 1970, or section 5382(c) of the Civil Service Reform Act of 1978, in salaries of employees engaged in the functions described in subsection (a) and for the payment of increases in agency contributions attributable thereto; and (2) any increases in allowances and benefits arising from increases in the cost of living authorized to be provided pursuant to section 2.".

5 USC 5301 note.
92 Stat. 1171.
5 USC 5382.

Approved August 8, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-152 accompanying H.R. 3347 (Comm. on Banking, Finance and Urban Affairs).
SENATE REPORT No. 96-170 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 22, considered and passed Senate.
June 8, H.R. 3347 considered and passed House; proceedings vacated and S. 976, amended, passed in lieu.
June 21, Senate concurred in House amendment with an amendment.
July 27, House concurred in Senate amendment.

Public Law 96-48
96th Congress

An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Aug. 8, 1979
[H.R. 1786]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1979:

National Aeronautics and Space Administration Authorization Act, 1980.

(a) For "Research and development," for the following programs:

(1) Space Shuttle, $1,586,000,000;
(2) Space flight operations, $463,300,000;
(3) Expendable launch vehicles, $70,700,000;
(4) Physics and astronomy, $337,500,000;
(5) Planetary exploration, $220,200,000;
(6) Life sciences, $43,900,000;
(7) Space applications, $338,300,000;
(8) Technology utilization, $12,100,000;
(9) Aeronautical research and technology, $309,300,000;
(10) Space research and technology, $119,400,000;
(11) Energy technology, $5,000,000; and
(12) Tracking and data acquisition, $332,800,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Modification of static test facility, Ames Research Center, $2,900,000;

(2) Construction of large aircraft maintenance dock, Hugh L. Dryden Flight Research Center, $1,500,000;

(3) Rehabilitation and modification of flight operations facilities, Ellington Air Force Base, $1,760,000;

(4) Modifications to central instrumentation facility, John F. Kennedy Space Center, $1,260,000;

(5) Modifications to operations and checkout building, John F. Kennedy Space Center, $950,000;

(6) Rehabilitation of roof, launch control center, John F. Kennedy Space Center, $600,000;

(7) Modifications of model support system 8-foot high temperature structures tunnel, Langley Research Center, $1,410,000;

(8) Modifications to 8-foot transonic pressure tunnel, Langley Research Center, $2,000,000;

(9) Modification of transonic dynamics tunnel, Langley Research Center, $970,000;

(10) Rehabilitation and modification of gas dynamics laboratory, Langley Research Center, $3,600,000;

(11) Modifications to central air system, various buildings, Lewis Research Center, $5,720,000;

(12) Modifications to various buildings, Marshall Space Flight Center, $2,640,000;

(13) Rehabilitation of roofs, various buildings, Marshall Space Flight Center, $900,000;

(14) Rehabilitation of roof, Phase I, building 103, Michoud Assembly Facility, $3,100,000;

(15) Construction of facilities operations shop building, Wallops Flight Center, $1,100,000;

(16) Large aeronautical facility: construction of national transonic facility, Langley Research Center, $12,000,000;

(17) Large aeronautical facility: modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, $33,900,000;

(18) Space Shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, $17,100,000;

(B) Modifications to crawler transporter maintenance facility, John F. Kennedy Space Center, $1,250,000;

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $6,900,000;

(D) Minor Shuttle-unique projects, various locations, $2,500,000;

(19) Space Shuttle payload facilities at various locations as follows:

(A) Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, $2,610,000;

(B) Modification and addition to materials sciences laboratory, Ames Research Center, $1,640,000;

(20) Repair of facilities at various locations, not in excess of $500,000 per project, $12,000,000;

(21) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $19,790,000;

(22) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $3,500,000; and

(23) Facility planning and design not otherwise provided for, $14,000,000.

Research and program management.

(c) For "Research and program management," $964,900,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and development.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

Scientific consultations or extraordinary expenses.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (22), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

Report to congressional committees.

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

Limitations.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (23) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Federal research funds, geographical distribution. 42 USC 2459 note.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration to be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) Paragraph 13 of subsection (c) of section 203 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c)(13)), is amended by striking out "$5,000" where it appears and inserting in lieu thereof "$25,000".

42 USC 2459.

(b) The National Aeronautics and Space Act of 1958, as amended, is amended (1) by redesignating section 308 as section 309 thereof; and (2) by inserting the following new section:

"INSURANCE AND INDEMNIFICATION

Liability insurance. 42 USC 2458b.

"SEC. 308. (a) The Administration is authorized on such terms and to the extent it may deem appropriate to provide liability insurance for any user of a space vehicle to compensate all or a portion of claims by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle. Appropriations available to the Administration may be used to acquire such insurance, but such appropriations shall be reimbursed to the maximum extent practicable by the users under reimbursement policies established pursuant to section 203(c) of this Act. *Ante*, p. 348.

"(b) Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost and terms of liability insurance, any agreement between the Administration and a user of a space vehicle may provide that the United States will indemnify the user against claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle, but only to the extent that such claims are not compensated by liability insurance of the user: *Provided*, That such indemnification may be limited to claims resulting from other than the actual negligence or willful misconduct of the user.

"(c) An agreement made under subsection (b) that provides indemnification must also provide for—

"(1) notice to the United States of any claim or suit against the user for the death, bodily injury, or loss of or damage to the property; and

"(2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

"(d) No payment may be made under subsection (b) unless the Administrator or his designee certifies that the amount is just and reasonable.

"(e) Upon the approval by the Administrator, payments under subsection (b) may be made, at the Administrator's election, either from funds available for research and development not otherwise obligated or from funds appropriated for such payments.

"(f) As used in this section— Definitions.

"(1) the term 'space vehicle' means an object intended for launch, launched or assembled in outer space, including the Space Shuttle and other components of a space transportation system, together with related equipment, devices, components and parts;

"(2) the term 'user' includes anyone who enters into an agreement with the Administration for use of all or a portion of a space vehicle, who owns or provides property to be flown on a space vehicle, or who employs a person to be flown on a space vehicle; and

"(3) the term 'third party' means any person who may institute a claim against a user for death, bodily injury or loss of or damage to property.".

Effective date. 42 USC 2458b note.

(c) This section shall be effective October 1, 1979.

Short title.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1980".

Approved August 8, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-52 (Comm. on Science and Technology) and No. 96-371 (Comm. of Conference).

SENATE REPORTS: No. 96-207 (Comm. on Commerce, Science, and Transportation) and No. 96-252 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Mar. 28, considered and passed House.
June 14, considered and passed Senate, amended.
July 23, Senate agreed to conference report.
July 27, House agreed to conference report.

Public Law 96-49
96th Congress

An Act

To extend certain programs under the Higher Education Act of 1965 for one year, and for other purposes.

Aug. 13, 1979
[H.R. 4476]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Technical Amendments of 1979".

Higher Education Technical Amendments of 1979.
20 USC 1001 note.

COMMUNITY SERVICES AND CONTINUING EDUCATION PROGRAMS

SEC. 2. (a) Section 101(a) of the Higher Education Act of 1965 (hereafter in this Act referred to as the "Act") is amended by striking out "fiscal years 1977, 1978, and 1979" and inserting in lieu thereof: "for the fiscal year 1977 and for each of the succeeding fiscal years ending prior to October 1, 1980".

20 USC 1001.

(b) Section 101(b) of the Act is amended by inserting before the period a comma and the following: "and for each of the succeeding fiscal years ending prior to October 1, 1980".

COLLEGE LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

SEC. 3. (a) The first sentence of section 201(b) of the Act is amended by inserting before the period a comma and the following: "and for the succeeding fiscal year".

20 USC 1021.

(b) Section 232 of the Act is amended by inserting before the period a comma and the following: "and for the succeeding fiscal year".

20 USC 1042.

STRENGTHENING DEVELOPING INSTITUTIONS

SEC. 4. Section 301(b)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

20 USC 1051.

STUDENT ASSISTANCE

SEC. 5. (a)(1) Section 411(a)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

20 USC 1070a.

(2)(A) Section 411(a)(3) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new subparagraph:

"(D) Notwithstanding any other provision of law, regulations required to be promulgated by the Commissioner under this paragraph for the academic year 1979-1980 shall be effective with respect to funds appropriated for the purpose of making payments under this subpart for that academic year.".

(B) Sections 411(b)(3)(B)(ii) and 411(b)(4)(B) of the Higher Education Act of 1965 shall not apply to funds appropriated for the purpose of making payments under subpart 1 of part A of title IV of such Act for the academic year 1978-1979, and any funds available at the end of that academic year shall remain available through September 30, 1981, for the purpose of making payments under that subpart with respect to entitlements for succeeding academic years.

20 USC 1070a note.
20 USC 1070a.

20 USC 1070b. (3) Section 413A(b)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

20 USC 1070c. (4) Section 415A(b)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

20 USC 1070d. (5) Section 417A(b) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

20 USC 1070d-2. (6) Section 418A(b)(1) of the Act is amended by inserting before the period a comma and the following: "and for the succeeding fiscal year".

20 USC 1070e-1. (7)(A) Section 420(a)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

(B) Section 420(a)(4) of the Act is amended by striking out "1980" and inserting in lieu thereof "1981".

20 USC 1078. (b) Section 428(a)(8) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new subparagraph:

"(C) If the Commissioner has not promulgated regulations pursuant to this paragraph on or before September 30, 1979, all eligible lenders (other than those excluded under subparagraph (A)) shall be deemed approved by the Commissioner for purposes of this paragraph.".

20 USC 1087-1. (c)(1) Section 438(b)(2) of the Act is amended—

(A) by striking out "(A) Subject to subparagraphs (B) and (C) and" and inserting in lieu thereof "Subject to", and

(B) by striking out subparagraphs (B) and (C).

Special allowance payment. 20 USC 1087-1 note. (2) Notwithstanding any other provision of section 438 of the Higher Education Act of 1965, effective October 1, 1979, the Commissioner shall determine the special allowance pursuant to the provisions of section 438(b)(2) of that Act (as amended by paragraph (1) of this subsection), except with respect to eligible loans held during the third quarter of the calendar year 1979, holders of such loans shall be entitled to a special allowance payment increased by the difference between (A) the special allowance determined with respect to such loans for such quarter under section 438(b)(2) prior to the amendments made by paragraph (1) of this subsection, and (B) the amount which would be determined with respect to such loans for such quarter under section 438(b)(2) as amended.

20 USC 1087aa. (d)(1) Section 461(b)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

(2) Section 461(b)(2) of the Act is amended by striking out "1979" each place it appears and inserting in lieu thereof "1980".

(3)(A) Part E of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"COLLECTION OF DEFAULTED LOANS

20 USC 1087gg. 20 USC 1087cc. "SEC. 467. The Commissioner is authorized to attempt to collect any loan, which was made under this part and which is in default, referred to him by an institution, with which he has an agreement under subsection (a) of section 463, on behalf of such institution under such terms and conditions as the Commissioner may prescribe, including reimbursement for expenses he may reasonably incur in attempting such collection.".

20 USC 1087gg note. (B) Nothing in the amendment made by this paragraph shall be construed to authorize the enactment of new budget authority for fiscal years 1979 or 1980.

20 USC 1088. (e)(1) Section 491(b)(1) of the Act is amended by striking out "and any proprietary institution of higher education" and inserting in lieu

thereof "any postsecondary vocational institution; and any proprietary institution of higher education".

(2) Section 491(b) of the Act is amended by adding at the end thereof the following new paragraph: 20 USC 1088.

"(4) For the purposes of this subsection, the term 'postsecondary vocational institution' means a school (A) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (B) which meets the requirements of clauses (1), (2), and (4) of section 1201(a), (C) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (D) which has been in existence for at least two years. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authorities to the quality of training offered.". "Postsecondary vocational institution." 20 USC 1142a.

TEACHER CORPS AND TEACHER TRAINING PROGRAMS

SEC. 6. (a) Section 511(b) of the Act is amended by inserting before the period a comma and the following: "and for the succeeding fiscal year". 20 USC 1101.

(b) Section 531 of the Act is amended by inserting after "1979," the following: "and for the succeeding fiscal year". 20 USC 1119.

FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

SEC. 7. (a) Section 601(b) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1121.

(b) Section 601(c) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

SEC. 8. (a) Section 701(b) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1132a.

(b) Section 721 of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1132b.

(c)(1) Section 741(b) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1132c.

(2) Section 745(c)(2) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1132c-4.

GRADUATE PROGRAMS

SEC. 9. (a) Section 901(c) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1134.

(b) Section 922(a) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1134e.

(c) Section 941(a) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1134i.

(d) Section 961(b)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1134n.

(e) Section 966(a) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980". 20 USC 1134r-1.

COMMUNITY COLLEGE ESTABLISHMENT AND EXPANSION

20 USC 1135. SEC. 10. (a) Section 1001(b)(1) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

20 USC 1135a. (b) Section 1011(b) of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

LAW SCHOOL CLINICAL EXPERIENCE PROGRAM

20 USC 1136b. SEC. 11. Section 1103 of the Act is amended by striking out "1979" and inserting in lieu thereof "1980".

STATEWIDE PLANNING AUTHORIZATION

20 USC 1142b. SEC. 12. Sections 1203(d) (1) and (2) of the Act are amended by striking out "1979" and inserting in lieu thereof "1980".

FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

20 USC 1221d. SEC. 13. Section 404(e) of the General Education Provisions Act is amended by striking out "1979" and inserting in lieu thereof "1980".

NATIONAL INSTITUTE OF EDUCATION

20 USC 1221e. SEC. 14. The last sentence of section 405(j) of the General Education Provisions Act is amended by striking out "and" the first place it appears therein and inserting in lieu thereof a comma, and by inserting before the period at the end thereof the following: ", and $125,000,000 for fiscal year 1980".

NATIONAL DEFENSE EDUCATION ACT

20 USC 513. SEC. 15. Section 604 of the National Defense Education Act of 1958 is amended by striking out "1979" and inserting in lieu thereof "1980".

MIDDLE INCOME STUDENT ASSISTANCE

92 Stat 2404.
20 USC 1070a note.

SEC. 16. (a) Section 9 of the Middle Income Student Assistance Act (Public Law 95-566) is amended by striking out "August 1, 1979" and inserting in lieu thereof "July 1, 1979".

(b) Nothing in the amendment made by this section shall be construed to authorize the enactment of new budget authority for fiscal years 1979 or 1980.

EFFECTIVE DATE

SEC. 17. (a) The amendments made by section 5(c) shall take effect on October 1, 1979. 20 USC 1087-1 note.

(b) The amendments made by section 5(e) shall take effect with respect to grants, loans, and other financial assistance made available to students for the academic year 1979-1980 and for academic years thereafter. 20 USC 1088 note.

Approved August 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-318, pt. 1 (Comm. on Education and Labor) and No. 96-318, pt. 2 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 31, considered and passed House; considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendment.

Public Law 96-50
96th Congress

Joint Resolution

Aug. 13, 1979
[H.J. Res. 19]

To provide for the designation of a week as "National Lupus Week".

National Lupus Week. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of September 16 through 22, 1979, as "National Lupus Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States and the world to observe such same week with appropriate ceremonies and activities. The President is further requested and authorized to issue such proclamation in the official languages of the United Nations and provide each Ambassador of these nations a ceremonial copy so that the lupus erythematosus patients in their countries may know of the United States' concern for the control of this deadly disease.

Approved August 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-340 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 20, considered and passed House.
Aug. 2, S.J. Res. 99 considered and passed Senate; action vitiated and H.J. Res. 19 considered and passed Senate, in lieu.

Public Law 96-51
96th Congress

Joint Resolution

Designating the week of October 8 through October 14, 1979, as "National Diabetes Week".

Aug. 13, 1979
[H.J. Res. 209]

Whereas diabetes kills more Americans than all other diseases except cancer and cardiovascular diseases; and

Whereas ten million Americans suffer from diabetes and $5,300,000,000 annually are used for health care costs, disability payments, and lost wage costs due to diabetes; and

Whereas a national awareness of the diabetes problem may stimulate interest and concern leading to increased research and eventually a cure for diabetes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 8 through October 14, 1979, is designated as "National Diabetes Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

National Diabetes Week. Designation.

Approved August 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-341 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 96-278 accompanying S.J. Res. 93 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 20, considered and passed House.
Aug. 2, S.J. Res. 98, considered and passed Senate; action vitiated and H.J. Res. 209 considered and passed Senate, in lieu.

Public Law 96-52
96th Congress

An Act

Aug. 13, 1979
[S. 1318]

To amend title 13 of the United States Code to provide a limited exemption to the Bureau of the Census from the provisions of section 322 of the Act of June 30, 1932.

Leases for 1980 census, limited exemption.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end thereof the following new section:

13 USC 15.

"§ 15. Leases for 1980 decennial census

"The 15 percent limitation contained in section 322 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 278a) shall not apply to leases entered into by the Secretary for the purpose of carrying out the 1980 decennial census, but no lease may be entered into for such purpose at a rental in excess of 105 percent of the appraised fair annual rental of the leased premises, or a proportionate part of the appraised fair annual rental in the case of a lease for less than a year.".

(b) The table of sections for such subchapter is amended by adding at the end thereof the following:

"15. Leases for 1980 decennial census.".

Approved August 13, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-277 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Aug. 1, considered and passed Senate.
Aug. 2, considered and passed House.

Public Law 96-53
96th Congress

An Act

To authorize appropriations for fiscal year 1980 for international development and economic assistance programs and for the Peace Corps, and for other purposes.

Aug. 14, 1979
[H.R. 3324]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Development Cooperation Act of 1979.

SHORT TITLE

SECTION 1. This Act may be cited as the "International Development Cooperation Act of 1979".

22 USC 2151 note.

TITLE I—DEVELOPMENT ASSISTANCE

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 101. (a) Section 103(a)(2) of the Foreign Assistance Act of 1961 is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $659,000,000 for the fiscal year 1980.".

Appropriation authorization.
92 Stat. 943.
22 USC 2151a.

(b) Section 103(b) of such Act is amended by adding at the end thereof the following new paragraph:

Forestry projects.

"(3) The Congress recognizes that the accelerating loss of forests and tree cover in developing countries undermines and offsets efforts to improve agricultural production and nutrition and otherwise to meet the basic human needs of the poor. Deforestation results in increased flooding, reduction in water supply for agricultural capacity, loss of firewood and needed wood products, and loss of valuable plants and animals. In order to maintain and increase forest resources, the President is authorized to provide assistance under this section for forestry projects which are essential to fulfill the fundamental purposes of this section. Emphasis shall be given to community woodlots, agroforestry, reforestation, protection of watershed forests, and more effective forest management.".

(c) Section 103 of such Act is amended by adding at the end thereof the following new subsection:

National food security.

"(f) The Congress finds that the efforts of developing countries to enhance their national food security deserves encouragement as a matter of United States development assistance policy. Measures complementary to assistance for expanding food production in developing countries are needed to help assure that food becomes increasingly available on a regular basis to the poor in such countries. Therefore, United States bilateral assistance under this Act and the Agricultural Trade Development and Assistance Act of 1954, and United States participation in multilateral institutions, shall emphasize policies and programs which assist developing countries to increase their national food security by improving their food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures

7 USC 1691 note.

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encouraging domestic production, building national food reserves, expanding available storage facilities, reducing postharvest food losses, and improving food distribution.".

POPULATION AND HEALTH

Appropriation authorization.
92 Stat. 945.
22 USC 2151b.

SEC. 102. (a) The first sentence of section 104(g) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $201,000,000 for the fiscal year 1980 to carry out subsection (b) of this section; and

"(2) $141,000,000 for the fiscal year 1980 to carry out subsection (c) of this section, of which amount not less than $4,000,000 shall be made available to assist in the development of the John Sparkman Center for International Public Health Education to be located at the University of Alabama at Birmingham.".

(b) Section 104(d)(1) of such Act is amended by inserting immediately before the period at the end of the second sentence the following: ", and through community-based development programs which give recognition to people motivated to limit the size of their families".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

Appropriation authorization.
22 USC 2151c.

SEC. 103. (a) The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $105,000,000 for the fiscal year 1980, which are authorized to remain available until expended.".

(b) Section 105(b) of such Act is amended by adding at the end thereof the following new sentence: "Assistance under this section shall also be provided for advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.".

DEVELOPMENT OF INDIGENOUS ENERGY RESOURCES

92 Stat. 937.
22 USC 2151-1.

SEC. 104. (a) Section 102(b) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (5) by striking out "and" immediately after the last semicolon and by inserting "; and energy development and production" immediately before the period; and

(2) in paragraph (7) by inserting "the development, production, and" immediately after "promotes".

22 USC 2151d.

(b) Section 106 of such Act is amended—

(1) in subsection (a)—

(A) by striking out paragraph (2), and

(B) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(2) by redesignating subsections (a) and (b) as subsections (c) and (d), respectively; and

(3) by inserting the following new subsections (a) and (b) immediately after the section caption:

"(a)(1) The Congress finds that energy development and production are vital elements in the development process, that energy shortages in developing countries severely limit the development process in such countries, that two-thirds of the developing countries which import oil depend on it for at least 90 percent of the energy which their economies require, and that the dramatic increase in world oil prices since 1973 has resulted in considerable economic hardship for many developing countries. The Congress is concerned that the value and purpose of much of the assistance provided to developing countries under sections 103, 104, and 105 are undermined by the inability of many developing countries to satisfy their energy requirements. Unless the energy deficit of the developing countries can be narrowed by more fully exploiting indigenous sources of energy such as oil, natural gas, and coal, scarce foreign exchange will increasingly have to be diverted to oil imports, primarily to the detriment of long-term development and economic growth.

92 Stat. 943.
22 USC 2151a.
92 Stat. 945.
22 USC 2151b, 2151c.

"(2) The Congress recognizes that many developing countries lack access to the financial resources and technology necessary to locate, explore, and develop indigenous energy resources.

"(3) The Congress declares that there is potential for at least a moderate increase by 1990 in the production of energy for commercial use in the developing countries which are not members of the Organization of Petroleum Exporting Countries. In addition, there is a compelling need for vigorous efforts to improve the available data on the location, scale, and commercial exploitability of potential oil, natural gas, and coal reserves in developing countries, especially those which are not members of the Organization of Petroleum Exporting Countries. The Congress further declares that there are many benefits to be gained by the developing countries and by the United States and other developed countries through expanded efforts to expedite the location, exploration, and development of potential sources of energy in developing countries. These benefits include, but are not limited to, the following:

"(A) The world's energy supply would be increased and the fear of abrupt depletion would be lessened with new energy production. This could have a positive impact upon energy prices in international markets as well as a positive effect upon the balance of payments problems of many developing countries.

"(B) Diversification of the world's supplies of energy from fossil fuels would make all countries, developing and developed, less susceptible to supply interruptions and arbitrary production and pricing policies.

"(C) Even a moderate increase in energy production in the developing countries would improve their ability to expand commercial trade, foreign investment, and technology transfer possibilities with the United States and other developed countries.

"(4) Assistance for the production of energy from indigenous resources, as authorized by subsection (b) of this section, would be of direct benefit to the poor in developing countries because of the overwhelming impact of imported energy costs upon the lives of the poor and their ability to participate in development.

"(b)(1) In order to help developing countries alleviate their energy problems by improving their ability to use indigenous energy resources to produce the energy needed by their economies, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to enable such countries to prepare for and undertake development of their energy resources. Such assistance may include data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production.

Exploration of potential oil, natural gas, and coal reserves.

"(2) Of the funds made available to carry out this section, up to $7,000,000 for the fiscal year 1980 shall be used for purposes of paragraph (1) to facilitate geological and geophysical survey work to locate potential oil, natural gas, and coal reserves and to encourage exploration for potential oil, natural gas, and coal reserves in developing countries which are not members of the Organization of Petroleum Exporting Countries.".

Infra.

(c) Section 119(a) of such Act is amended by amending the first sentence to read as follows: "The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act.".

92 Stat. 943.
22 USC 2151a.

TECHNICAL ASSISTANCE, ENERGY, RESEARCH, RECONSTRUCTION, AND SELECTED DEVELOPMENT PROBLEMS

Appropriation authorization.
Ante, p. 360.

SEC. 105. Section 106(d) of the Foreign Assistance Act of 1961, as so redesignated by section 104(b)(2) of this Act, is amended to read as follows:

"(d) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $125,000,000 for the fiscal year 1980, which are authorized to remain available until expended.".

HUMAN RIGHTS STUDIES AND ACTIVITIES

22 USC 2151n.

SEC. 106. Section 116(e) of the Foreign Assistance Act of 1961 is amended by striking out "the fiscal year 1979" and inserting in lieu thereof "the fiscal year 1980".

RENEWABLE AND UNCONVENTIONAL ENERGY TECHNOLOGIES

92 Stat. 948.
22 USC 2151q.

SEC. 107. (a) Section 119 of the Foreign Assistance Act of 1961 is amended by redesignating existing subsection (a) as subsection (b) and by inserting the following new subsection (a) immediately after the section caption:

"(a) The Congress finds that energy production and conservation are vital elements in the development process and that energy shortages in developing countries severely limit the development progress of such countries. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the energy resources of developing countries, primarily through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas.".

(b) Such section is further amended by redesignating existing subsection (b) as subsection (d) and by inserting the following new subsection (c) between subsections (b) and (d), as so redesignated by this subsection and subsection (a) of this section:

"(c) Such programs may include research on, and the development, demonstration, and application of suitable energy technologies (including use of wood); analyses of energy uses, needs, and resources; training and institutional development; and scientific interchange.".

SAHEL DEVELOPMENT PROGRAM—IMPLEMENTATION

SEC. 108. Section 121(c) of the Foreign Assistance Act of 1961 is amended by inserting the following sentence immediately after the first sentence: "In addition to the amount authorized in the preceding sentence and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $25,000,000.".

Appropriation authorization.
22 USC 2151s.

RELATIVELY LEAST DEVELOPED COUNTRIES

SEC. 109. Section 124(c)(2) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "Amounts due and payable during fiscal year 1980 to the United States from relatively least developed countries on loans made under this part (or any predecessor legislation) are authorized to be approved for use, in accordance with the provisions of paragraph (1) of this subsection, in an amount not to exceed $18,800,000.".

92 Stat. 948.
22 USC 2151v.

DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION

SEC. 110. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 126. DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION.—(a) The Congress recognizes that illicit narcotics cultivation is related to overall development problems and that the vast majority of all individuals employed in the cultivation of illicit narcotics reside in the developing countries and are among the poorest of the poor in those countries and that therefore the ultimate success of any effort to eliminate illicit narcotics production depends upon the availability of alternative economic opportunities for those individuals, upon other factors which assistance under this chapter could address, as well as upon direct narcotics control efforts.

22 USC 2151x.

"(b) In planning programs of assistance under this chapter for countries in which there is illicit narcotics cultivation, the agency primarily responsible for administering this part should give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.

"(c) In furtherance of the purposes of this section, the agency primarily responsible for administering this part shall cooperate fully with, and share its expertise in development matters with, other agencies of the United States Government involved in narcotics control activities abroad.".

Cooperation with other United States Government agencies abroad.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 111. Section 214(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President $25,000,000 for the fiscal year 1980, which are authorized to remain available until expended.".

Appropriation authorization.
92 Stat. 950.
22 USC 2174.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

SEC. 112. (a) Section 222(a) of the Foreign Assistance Act of 1961 is amended—

92 Stat. 950.
22 USC 2182.

(1) in the second sentence by striking out "$1,180,000,000" and inserting in lieu thereof "$1,555,000,000"; and

(2) in the third sentence by striking out "until September 30, 1980" and inserting in lieu thereof "through September 30, 1982".

22 USC 2182a. (b)(1) Section 222A(a) of such Act is amended by striking out "five" and inserting in lieu thereof "six".

(2) Section 222A(c) of such Act is amended by striking out "$15,000,000" and inserting in lieu thereof "$20,000,000".

92 Stat. 951. (3) Section 222A(h) of such Act is amended by striking out "until September 30, 1979" and inserting in lieu thereof "through September 30, 1982".

92 Stat. 951. 22 USC 2183. (c) Section 223(f) of such Act is amended—

(1) by striking out everything after "not" in the first sentence through "exceeds" in the second sentence and inserting in lieu thereof "exceed"; and

(2) by striking out "such Department" and inserting in lieu thereof "the Department of Housing and Urban Development".

92 Stat. 953. (d) Section 223(j) of such Act is amended—

(1) in the first sentence, by striking out "(1)" and all that follows through "(3)" and inserting in lieu thereof "are coordinated with and complementary to any development assistance being furnished under chapter 1 of this part and which"; and 22 USC 2151.

(2) by striking out the last sentence and inserting in lieu thereof the following: "Of the total amount of housing guaranties authorized to be issued under section 222 through September 30, 1982, not less than a face amount of $25,000,000 shall be issued for projects in Israel and not less than a face amount of $25,000,000 shall be issued for projects in Egypt.". 22 USC 2181.

FAMINE PREVENTION AND FREEDOM FROM HUNGER

22 USC 2220b. SEC. 113. Section 297 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a)(3) by inserting ", in the developing countries themselves to the maximum extent practicable," immediately after "university research"; and

(2) by amending subsection (c) to read as follows:

"(c) To the maximum extent practicable, activities under this section shall—

"(1) be directly related to the food and agricultural needs of developing countries;

"(2) be carried out within the developing countries;

"(3) be adapted to local circumstances;

"(4) provide for the most effective interrelationship between research, education, and extension in promoting agricultural development in developing countries; and

"(5) emphasize the improvement of local systems for delivering the best available knowledge to the small farmers of such countries.".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Appropriation authorization. 92 Stat. 952. 22 USC 2222. SEC. 114. (a) Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President for grants to carry out the purposes of this chapter, in addition to funds available under any other Acts for such purposes, $267,280,000 for the fiscal year 1980, of which not to exceed $52,000,000 shall be available for voluntary contributions to the United Nations Relief and Works

Agency for Palestine Refugees, except that not more than $42,500,000 of this amount may be obligated unless the President certifies to the Congress that any contributions above this level have been matched by equivalent contributions by members of the Organization of Petroleum Exporting Countries.".

(b) Notwithstanding any other provision of law, funds appropriated for the fiscal year 1979 to meet the annual obligations of membership of the United States in the United Nations and its specialized agencies may be made available for the furnishing of technical assistance by the United Nations and its specialized agencies.

INTERNATIONAL DISASTER ASSISTANCE

SEC. 115. Section 492 of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for the fiscal year 1979" and inserting in lieu thereof "$21,800,000 for the fiscal year 1980".

92 Stat. 953.
22 USC 2292a.

ASSISTANCE FOR AFRICAN REFUGEES

SEC. 116. Section 495F of the Foreign Assistance Act of 1961 is amended in the second sentence—

92 Stat. 953.
22 USC 2292*l*.

(1) by striking out "fiscal year 1979" and inserting in lieu thereof "fiscal year 1980"; and

(2) by striking out "$15,000,000" and inserting in lieu thereof "$14,920,000".

COMPLETION OF PLANS AND COST ESTIMATES

SEC. 117. Section 611(b) of the Foreign Assistance Act of 1961 is amended by striking out "Memorandum of the President dated May 15, 1962" and inserting in lieu thereof "Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973".

22 USC 2361.

REPRESENTATION OF THE DEPARTMENT OF ENERGY ON THE DEVELOPMENT COORDINATION COMMITTEE

SEC. 118. Section 640B(a) of the Foreign Assistance Act of 1961 is amended in the third sentence by inserting "Energy," immediately after "Agriculture,".

22 USC 2399c.

REIMBURSABLE DEVELOPMENT PROGRAMS

SEC. 119. Section 661 of the Foreign Assistance Act of 1961 is amended in the first sentence by striking out "$3,000,000 of the funds made available for the purposes of this Act for the fiscal year 1979" and inserting in lieu thereof "$3,800,000 of the funds made available for the purposes of this Act for the fiscal year 1980".

Appropriation authorization.
92 Stat. 954.
22 USC 2421.

OPERATING EXPENSES

SEC. 120. Section 667(a) of the Foreign Assistance Act of 1961 is amended—

92 Stat. 960.
22 USC 2427.

(1) by striking out "fiscal year 1979" and inserting in lieu thereof "fiscal year 1980"; and

(2) in paragraph (1) by striking out "$261,000,000" and inserting in lieu thereof "$263,000,000".

REGISTRATION OF PRIVATE VOLUNTARY AGENCIES

92 Stat. 941;
22 USC 2151u, 2357, 2395.
7 USC 1704, 1722.

SEC. 121. Sections 123(b), 607(a), and 635(c) of the Foreign Assistance Act of 1961 and sections 104(f) and 202(a) of the Agricultural Trade Development and Assistance Act of 1954 are amended by striking out "Advisory Committee on Voluntary Foreign Aid" and "Advisory Committee" wherever they appear and inserting in lieu thereof "Agency for International Development".

MISCELLANEOUS REPEALS

22 USC 2151c, 2151i, 2151k.
92 Stat. 948.
22 USC 2151p.

SEC. 122. Section 105(c), the last sentence of section 111, sections 113 (b) and (c), and section 118(c) of the Foreign Assistance Act of 1961 are repealed. Subsection (d) of section 113 of such Act is redesignated as subsection (b).

MINORITY RESOURCE CENTER

22 USC 2151 note.

SEC. 123. Section 133 of the International Development and Food Assistance Act of 1977 is amended by adding at the end thereof the following new subsection:

"(c)(1) Upon the enactment of the International Development Cooperation Act of 1979, the section on minority business established pursuant to subsection (a) shall be redesignated as the Minority Resource Center (hereafter in this section referred to as the 'Center') which shall be responsible for increasing the participation of economically and socially disadvantaged business enterprises in contract, procurement, grant, and research and development activities funded by the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 (hereafter in this section referred to as the 'agency').

92 Stat. 937.
22 USC 2151.

Functions.

"(2) The Center shall—

"(A) establish, maintain, and disseminate information to, and otherwise serve as an information clearinghouse for, economically and socially disadvantaged business enterprises regarding business opportunities in development assistance programs funded by the agency;

"(B) design and conduct programs to encourage, promote, and assist economically and socially disadvantaged business enterprises to secure direct contracts, host country contracts, operation expatriate contracts, indefinite quantity contracts, subcontracts, projects, grants, and research and development contracts in order for such enterprises to participate in such development assistance programs;

"(C) conduct market research, planning, economic and business analyses, and feasibility studies to identify business opportunities in such development assistance programs;

"(D) develop support mechanisms which will enable socially and economically disadvantaged businesses to take advantage of business opportunities in such development assistance programs; and

"(E) enter into such contracts (to such extent or in such amounts as are provided in appropriation Acts), cooperative agreements, or other transactions as may be necessary in the conduct of its functions under this section.

"(3) The Administrator of the agency and the Secretary of State shall provide the Center with such relevant information, including procurement schedules, bids, and specifications with respect to development assistance programs funded by the agency, as may be requested by the Center in connection with the performance of its functions under this section.

"(4) There shall be a Director of the Center who shall be the chief executive officer of the Center. The Director shall be appointed by the Administrator of the agency.

"Economically and socially disadvantaged enterprise."

"(5)(A) For the purposes of this section, the term 'economically and socially disadvantaged enterprise' means a business—

"(i) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

"(ii) whose management and daily business operations are controlled by one or more such individuals.

"(B) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

"(C) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the Administrator of the agency shall consider, but not be limited to, the asssets and net worth of the socially disadvantaged individual.

Report to Congress.

"(6) Not later than February 1 of each year, the Administrator of the agency shall submit to the Congress a report concerning the activities of the Center during the preceding fiscal year.

Allocation of funds.

"(7) Of the funds available to the agency for operating expenses, up to $950,000 for fiscal year 1980 may be allocated to the Center to carry out its functions under this section.

Consolidation.

"(8) If the Administrator of the agency determines that such a consolidation would significantly further the purposes of this section and would eliminate unnecessary duplication of activity, the Administrator may consolidate the Center with the Office of Small and Disadvantaged Business Utilization established in the agency by section 15(k) of the Small Business Act. Any such consolidation shall ensure that all the functions specified in paragraph (2) of this subsection continue to be carried out. Before implementing any such consolidation, the Administrator shall submit to the Congress a detailed report setting forth the reasons for the proposed consolidation.".

92 Stat. 1771.
15 USC 644.
Report to Congress.

PROHIBITION ON ASSISTANCE TO PANAMA

SEC. 124. None of the funds authorized to be appropriated by this title may be made available for assistance to the Republic of Panama, its agencies or instrumentalities, unless the President determines that assistance to Panama is in the national interest of the United States.

ASSISTANCE TO LATIN AMERICAN AND CARIBBEAN COUNTRIES

22 USC 2151 note.

SEC. 125. It is the sense of the Congress that the United States should place greater emphasis on public and private resources for development programs in Latin America and the Caribbean which address problems common to the Western Hemisphere. It is further the sense of the Congress that provision of such assistance to Latin American and Caribbean countries, including transitional developing countries, is consistent with the purposes of part I of the Foreign Assistance Act of 1961.

92 Stat. 937.
22 USC 2151.

INCREASED CONTRIBUTIONS FOR DEVELOPMENT ASSISTANCE

22 USC 2151 note.

SEC. 126. In recognition of the rapidly growing economic strength and ability to contribute to international development and security efforts of other nations, it is the sense of the Congress that the President should take all appropriate steps to negotiate with those nations with adequate financial resources to provide assistance to increase their contributions for development assistance through multilateral programs as well as through bilateral efforts.

TITLE II—FOOD FOR PEACE

INCREASING DEMAND FOR FOOD AND ENCOURAGING LOCAL FOOD PRODUCTION

SEC. 201. Section 103(f) of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

7 USC 1703.

"(f) give consideration to the development and expansion of markets for United States agricultural commodities and local foodstuffs by increasing the effective demand for agricultural commodities through the support of measures to stimulate equitable economic growth in recipient countries, with appropriate emphasis on developing more adequate storage, handling, and food distribution facilities;".

ROLE OF INDIGENOUS INSTITUTIONS AND WORKERS

SEC. 202. Section 202(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

7 USC 1722.

"(2) In order to assure that food commodities made available under this title are used effectively and in the areas of greatest need, entities through which such commodities are distributed shall be encouraged to work with indigenous institutions and employ indigenous workers, to the extent feasible, to assess nutritional and other needs of beneficiary groups, help these groups design and carry out mutually acceptable projects, recommend ways of making food assistance available that are most appropriate for each local setting, supervise food distribution, and regularly evaluate the effectiveness of each project.".

ALLEVIATING THE CAUSES OF THE NEED FOR TITLE II ASSISTANCE

SEC. 203. Section 206 of the Agricultural Trade Development and Assistance Act of 1954 is amended by amending clause (3) of the first sentence to read as follows: "(3) such agreement provides that the currencies will be used for (A) alleviating the causes of the need for the assistance in accordance with the purposes and policies specified in section 103 of the Foreign Assistance Act of 1961, or (B) programs and projects to increase the effectiveness of food distribution and increase the availability of food commodities provided under this title to the neediest individuals in recipient countries.".

7 USC 1726.

Ante, p. 359.

INCENTIVES FOR ENTERING INTO FOOD FOR DEVELOPMENT PROGRAMS

SEC. 204. (a) Section 301(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended— 7 USC 1727.

(1) in the first sentence, by inserting ", or the dollar sales value of the commodities themselves," immediately after "the local sale of such commodities"; and

(2) in the second sentence, by striking out "of funds from the sale of such commodities in the participating country" and inserting in lieu thereof "in the participating country of funds from the sale of such commodities or of the commodities themselves".

(b) Section 305 of such Act is amended by adding at the end thereof the following new subsection: 92 Stat. 955. 7 USC 1727d.

"(c) When agricultural commodities made available under this title are used by the participating country in development projects in accordance with the applicable Food for Development Program, the dollar sales value of such commodities shall be applied, in accordance with subsections (a) and (b) of this section, against repayment obligations of that country under this Act, with the value of the commodities so used being deemed to be disbursements made at the time of such use.".

(c) Section 303(a) of such Act is amended by striking out "for each year such funds are to be disbursed" in the second sentence. 7 USC 1727b.

PARTICIPATION OF AMERICAN AGRICULTURE IN FOOD FOR DEVELOPMENT PROGRAMS

SEC. 205. Section 302(c) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new paragraph: 7 USC 1727a.

"(4) In developing and carrying out Food for Development Programs under this title, consideration shall be given to using the capability and expertise of American agriculture, in partnership with indigenous individuals and organizations, in furthering economic development and increased food production.".

FULL FORGIVENESS OF REPAYMENT OBLIGATIONS UNDER FOOD FOR DEVELOPMENT PROGRAMS

SEC. 206. Section 305(a) of the Agricultural Trade Development and Assistant Act of 1954 is amended by adding at the end thereof the following: "Disbursements of funds from the special account in an amount equivalent to the dollar value of the credit furnished by the Commodity Credit Corporation under section 304(a) shall be deemed to be payment of all installments of principal and interest payable thereon for the commodities purchased by the participating country for purposes of this title.". 92 Stat. 955. 7 USC 1727d.

REPORTS UNDER TITLE III

SEC. 207. (a) Section 306 of the Agicultural Trade Development and Assistance Act of 1954 is amended by inserting in the first sentence "a detailed description of how the commodities were used or" immediately before "a specific". 7 USC 1727e.

(b) The first sentence of section 307(a) of such Act is amended to read as follows: "Each year the President shall review all agreements providing for the use under this title of the proceeds from the sale of agricultural commodities, or of the commodities themselves, with Annual Presidential review. 7 USC 1727f.

respect to which there was not full disbursement during the preceding fiscal year.".

AVOIDING INTERFERENCE WITH PRODUCTION OR MARKETING IN RECIPIENT COUNTRIES

7 USC 1731.

SEC. 208. Section 401(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended in clause (2)—

(1) by inserting "or interference with" immediately after "to"; and

(2) by inserting "or marketing" immediately after "production".

DETERMINATION OF COMMODITY NEEDS AND PROGRAM BENEFICIARIES IN EACH COUNTRY

7 USC 1734.

SEC. 209. Section 404 of the Agicultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"SEC. 404. (a) The programs of assistance conducted under this Act, and the types and quantities of agricultural commodities to be made available, shall be directed in the national interest toward the attainment of humanitarian and developmental objectives as well as the development and expansion of United States and recipient country agricultural commodity markets. To the maximum extent possible, either the commodities themselves shall be used to improve the economic and nutritional status of the poor through effective and sustainable programs, or any proceeds generated from the sales of agricultural commodities shall be used to promote policies and programs that benefit the poor.

Country assessments.

"(b) Country assessments shall be carried out whenever necessary in order to determine the types and quantities of agricultural commodities needed, the conditions under which commodities should be provided and distributed, the relationship between United States food assistance and other development resources, the development plans of that country, the most suitable timing for commodity deliveries, the rate at which food assistance levels can be effectively used to meet nutritional and developmental needs, and the country's potential as a new or expanded market for both United States agricultural commodities and recipient country foodstuffs.".

COMMODITIES FOR MULTIYEAR DEVELOPMENT PURPOSES

SEC. 210. Title IV of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

7 USC 1736g.

"SEC. 413. In order to best meet the humanitarian and developmental purposes of this Act, commodities provided under this Act for developmental purposes shall be made available, to the maximum extent practicable, on a multiyear basis when necessary for the most effective accomplishment of these purposes.".

TITLE III—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

92 Stat. 414.
22 USC 2502.

SEC. 301. Section 3 of the Peace Corps Act is amended—

(1) in subsection (b), by striking out the matter before the first proviso and inserting in lieu thereof the following: "There are

authorized to be appropriated to carry out the purposes of this Act for fiscal year 1980 not to exceed $105,404,000"; and

(2) in subsection (c), by striking out "for fiscal year 1978, $1,069,000, and for fiscal year 1979" and inserting in lieu thereof "for fiscal year 1980".

PEACE CORPS PERSONNEL

SEC. 302. Section 7(a) of the Peace Corps Act is amended by adding at the end thereof the following new paragraph: 22 USC 2506.

"(4) Until such time as the Congress enacts Foreign Service personnel reform legislation which amends or otherwise supersedes this paragraph, a person who has received a Foreign Service Reserve or staff appointment or assignment under this subsection may, not later than three years after the effective date of this paragraph or after separation from such appointment or assignment, whichever is later, be appointed to a position in any United States department, agency or establishment—

"(A) in the competitive service under title 5, United States Code, without competitive examination and in accordance with such regulations and conditions consistent with this subsection as may be prescribed by the Director of the Office of Personnel Management, or 5 USC 101 *et seq.*

"(B) in an established merit system in the excepted service, if such person (i) served satisfactorily under the authority of this subsection, as certified by the President, for not less than thirty-six months on a substantially continuous basis, and (ii) is qualified for the position in question.".

TITLE IV—INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

STATEMENT OF POLICY

SEC. 401. As declared by Congress in the Foreign Assistant Act of 1961, a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives. The Congress reaffirms the profound humanitarian and foreign policy concerns of the United States in the economic and social progress of the developing countries and in the alleviation of the worst physical manifestations of poverty in these countries. 22 USC 3501. 22 USC 2151 note.

In furtherance of that objective, the Congress recognizes that developing countries require extensive scientific and technological capacity in order to deal effectively with their development problems, relate to the industrialized nations, and constructively participate in the shaping of a stable world order.

It is therefore in the mutual interest of the United States and the developing countries to increase scientific and technological cooperation and jointly to support long-term research on critical problems that impede development and limit the efficient use of the world's human, natural, and capital resources.

PURPOSES AND ESTABLISHMENT OF THE INSTITUTE

Establishment.
22 USC 3502.

SEC. 402. (a) To strengthen the capacity of the people of developing countries to solve their development problems through scientific and technological innovation, to foster research on problems of development, and to facilitate scientific and technological cooperation with developing countries, the President is authorized to establish an Institute for Scientific and Technological Cooperation (hereafter in this title referred to as the "Institute"), which shall be subject to the foreign policy guidance of the Secretary of State.

92 Stat. 937.
22 USC 2151, 2151-1.

(b) The Institute shall be guided by the policies set forth in sections 101 and 102 of the Foreign Assistance Act of 1961 and shall direct a substantial share of its resources to those objectives.

FUNCTIONS OF THE INSTITUTE

22 USC 3503.

SEC. 403. (a) In carrying out its purposes, the Institute shall—

(1) assist developing countries to strengthen their own scientific and technological capacity in order for them to undertake the research and experimentation necessary for development;

(2) support research, in the United States and in developing countries, on critical development problems, with emphasis on research relating to technologies which are labor-intensive or which do not generate additional unemployment or underemployment and with emphasis on those problems which are the greatest impediment to improvement in the lives of the majority of the poor;

(3) foster the exchange of scientists and other technological experts with developing countries, and other forms of exchange and communication to promote the joint solution of problems of mutual concern to the United States and developing countries;

(4) advise and assist other agencies of the United States Government in planning and executing policies and programs of scientific and technological cooperation with developing countries;

(5) facilitate the participation of private United States institutions, businesses, and individuals in scientific and technological cooperation with developing countries; and

(6) gather, analyze, and disseminate information relevant to the scientific and technological needs of developing countries.

(b) In carrying out the functions specified in subsection (a), the Institute shall take particular care to review all of its programs, projects, and other activities to ensure that technologies which are developed, utilized, or promoted are assessed with regard to minimizing any new problems and that participants in such programs, projects, and activities are fully aware of the need for such review with respect to any technology-related activities for which the are responsible.

22 USC 2151 note.
22 USC 801 note.
92 Stat. 982.
22 USC 2656a.
92 Stat. 956.
22 USC 2385a.

(c) For purposes of carrying out the functions of the Institute, the President may utilize, in addition to authorities conferred by this title, such authority contained in the Foreign Assistance Act of 1961, the Foreign Service Act of 1946, title V of the Foreign Relations Authorization Act, Fiscal Year 1979, and title IV of the International Development and Food Assistance Act of 1978, as the President deems necessary.

(d) The Institute shall carry out its functions in consultation and cooperation with the agencies of the United States Government, international organizations, and agencies of other governments engaged in promoting economic, social, and technological development in developing countries.

(e) The President shall prescribe appropriate procedures to assure coordination of the activities of the Institute with other activities of the United States Government in furthering the use of science and technology in the cause of development. Coordination procedures.

GENERAL AUTHORITIES

SEC. 404. (a) To carry out the purposes and functions of the Institute, the President may— 22 USC 3504.

(1) make and perform contracts and other agreements with any individual, institution, corporation, or other body of persons however designated, within or outside the United States, and with governments or government agencies, domestic or foreign;

(2) make advances, grants, and loans to any individual, institution, corporation, or other body of persons however designated, within or outside the United States, and to governments or government agencies, domestic or foreign;

(3) employ such personnel as necessary and fix their compensation;

(4) make provision for compensation, transportation, housing, subsistence (or per diem in lieu thereof), and health care or health and accident insurance for foreign nationals engaged in activities authorized by this title while they are away from their homes, without regard to the provisions of any other law;

(5) accept and use money, funds, property, and services of any kind by gift, devise, bequest, grant, or otherwise in furtherance of the purposes of the Institute;

(6) acquire by purchase, lease, loan, bequest, or gift and hold and dispose of by sale, lease, loan, or grant, real and personal property of all kinds;

(7) prescribe, amend, and repeal such rules and regulations as may be necessary to the conduct of the business of the Institute;

(8) utilize information, services, facilities, officers, and employees of any agency of the United States Government;

(9) establish a principal office in the United States and such other offices within or outside the United States, as may be necessary;

(10) make such expenditures as may be necessary for administering the provisions of this title;

(11) adopt, alter, and use an official seal for the Institute, which shall be judicially noticed; and

(12) take such other actions as may be necessary and incident to carrying out the functions of the Institute.

(b) Any authority provided by this section involving the expenditure of appropriated funds shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

DIRECTOR OF THE INSTITUTE

SEC. 405. (a) There shall be a Director of the Institute (hereafter in this title referred to as the "Director") who shall be the chief executive officer of the Institute. The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate payable for level III of the Executive Schedule under section 5314 of title 5 of the United States Code. 22 USC 3505. Appointment, compensation.

(b) The President may exercise any authorities conferred upon him by this title through the Director or any other agency or officer of the United States Government as he shall direct. The Director or head of any such agency or any such officer may delegate to any of his subordinates authority to perform any of such functions.

DEPUTY DIRECTOR AND OTHER STATUTORY OFFICERS

22 USC 3506.

Compensation

SEC. 406. (a) A Deputy Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall receive compensation at the rate payable for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code.

(b) The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe.

Additional positions.

(c) The President may establish up to two additional positions in the Institute to be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5 of the United States Code.

COUNCIL ON INTERNATIONAL SCIENTIFIC AND TECHNOLOGICAL COOPERATION

Establishment. 22 USC 3507.

SEC. 407. (a) In order to further the purposes of the Institute, the President is authorized to establish a Council on International Scientific and Technological Cooperation (hereafter in this title referred to as the "Council").

Functions.

(b)(1) The Council shall—

(A) advise the Director with respect to the policies, programs, planning, and procedures of the Institute;

(B) make recommendations to the Director on the use of the resources available to the Institute; and

(C) advise the Director on matters involving the activities of the Institute overseas and appropriate relationships with the private sector, within and outside the United States.

Report.

(2) The Council shall prepare an annual report setting forth the major recommendations made and advice given pursuant to paragraph (1) of this subsection.

(c) The Director shall seek the advice of the Council before making any decision with respect to the selection or termination of, or any significant change in, the areas and issues in which the Institute conducts its activities, and with respect to the transfer of specific programs and projects from any other Government agency to the Institute. The Council shall have the authority to review all new programs and initiatives before their implementation and to make recommendations with regard to the approval or disapproval of new programs and initiatives having a cost in excess of $500,000 or a duration greater than two years.

New programs, review.

Membership.

Terms of office.

(d) The Council shall consist of up to twenty-five members appointed by the President, one of whom the President shall designate as Chairman. The members of the Council shall be appointed for terms of four years, except that the members first appointed shall be appointed for terms of one, two, three, or four years, as designated by the President at the time of their appointment, so that the terms of approximately one-fourth of the members of the Council expire in any year. The members of the Council shall be selected from among—

(1) citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, science and technology,

or their interest in the scientific and technological problems of developing countries;

(2) citizens of foreign countries who by their knowledge and expertise are capable of providing advice and guidance to the Institute on the application of science and technology to the problems of developing countries, except that not more than one-third of the membership of the Council shall consist of members who are citizens of foreign countries; and

(3) officials of the United States Government, except that not to exceed five members of the Council may be appointed under this paragraph, one of whom shall be the Secretary of State or his designee.

Compensation.

(e) Members of the Council who are not officials of the United States Government shall be entitled to compensation, not to exceed the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5 of the United States Code, while in the performance of their duties under this title, and to reimbursement for expenses and per diem in lieu of subsistence while away from their homes or regular places of business in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code. Members of the Council who are not officials of the United States Government shall not be deemed officers, employees, or otherwise in the service or employment of the United States Government for any purpose, except that members of the Council who are United States citizens shall be deemed Government employees for the purposes of sections 202, 203, 205, 207, 208, and 209 of title 18 of the United States Code.

Executive Committee, appointment.

(f) The Council may appoint from among its members an Executive Committee, and such other committees it deems necessary, to assist it in exercising its powers and functions. The Executive Committee shall consist of seven members, one of whom shall be the Chairman of the Council and not more than three of whom shall be employees of the United States Government. The Executive Committee shall exercise such powers and functions as are delegated to it by the Council.

INSTITUTE FELLOWSHIPS

22 USC 3508.

SEC. 408. (a) The President is authorized to award up to twenty fellowships annually for periods up to two years, such awards to be renewable for an additional period not to exceed two years, to individuals who have demonstrated exceptional competence and ability in the fields of scientific, technological, economic, or social endeavor selected by the Institute for concentration. The awards shall be made so as to encompass a wide diversity of disciplines and backgrounds, and shall be made on the basis of criteria established by the President upon the advice of the Council. Up to ten of the awards in any year may be made to citizens of countries other than the United States. Individuals awarded fellowships shall be designated as Institute Fellows.

Designation.

(b) The President may assign Institute Fellows to undertake such activities, in the United States or abroad, as will further the purposes of the Institute.

Amount of awards.

(c) The amount of the awards made pursuant to this section shall be established by the President, but shall not in any case exceed the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5 of the United States

Added benefits.

Code. In addition, where appropriate, the President may make provisions for transportation, housing (when assigned outside country of residence), subsistence (or per diem in lieu thereof), and health care or health or accident insurance for Institute Fellows and their dependents while engaged in activities authorized by this title.

5 USC 8101 *et seq.*
28 USC 2671 *et seq.*

(d) Except as provided otherwise in this section, Institute Fellows shall not be deemed employees or otherwise in the service or employment of the United States Government. Institute Fellows shall be considered employees for purposes of compensation of injuries under chapter 81 of title 5 of the United States Code and the tort claim provisions of chapter 171 of title 28 of the United States Code. In addition, Institute Fellows who are United States citizens shall be considered Government employees for purposes of sections 202, 203, 205, 207, 208, and 209 of title 18 of the United States Code.

Alien participants.
8 USC 1101.

(e) Alien participants in any program of the Institute, including Institute Fellows and their dependents, may be admitted to the United States, if otherwise qualified as non-immigrants under section 101(a)(15) of the Immigration and Nationality Act, for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

CONFLICT OF INTEREST

22 USC 3509.

SEC. 409. Members of the Council and Institute Fellows shall avoid any action, in their activities with respect to the Institute, which might result in, or create the appearance of, a conflict of interest, including but not limited to—

(1) using their office or position for private gain;

(2) giving preferential treatment to any person;

(3) making recommendations or decisions relating to any activity authorized by this title in other than an impartial and independent manner;

(4) misusing Government property or official information obtained through their office or position which has not been made available to the general public; or

(5) affecting adversely the confidence of the public in the integrity of the Institute.

AUTHORIZATION OF APPROPRIATIONS

22 USC 3510.

SEC. 410. There are authorized to be appropriated to the President to carry out this title, in addition to funds otherwise available for such purpose, $23,750,000 for the fiscal year 1980. Funds appropriated under this section are authorized to remain available until expended.

ANNUAL REPORT

Report to Congress.
22 USC 3511.

SEC. 411. (a) Within ninety days after the end of each fiscal year, the President shall submit to Congress a complete and detailed report of the Institute's operations during such fiscal year. Each such report shall include a detailed discussion of the impact of the programs of the Institute on development and shall specify what percentage of the Institute's funds (excluding funds used for operating expenses) were used during such fiscal year for activities which further the policies set forth in section 102 of the Foreign Assistance Act of 1961.

92 Stat. 938.
22 USC 2151-1.

(b) Each such report shall include the report prepared by the Council pursuant to section 407(b)(2).

CONFORMING AMENDMENTS

SEC. 412. (a) Section 5314 of title 5 of the United States Code, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following: 5 USC 5314.

"(70) Director, Institute for Scientific and Technological Cooperation.".

(b) Section 5315 of title 5 of the United States Code, relating to level IV of the Executive Schedule, is amended by adding at the end thereof the following:

"(128) Deputy Director, Institute for Scientific and Technological Cooperation.".

(c) Section 5316 of title 5 of the United States Code, relating to level V of the Executive Schedule, is amended by adding at the end thereof the following:

"(152) Additional officers, Institute for Scientific and Technological Cooperation (2).".

ESTABLISHMENT IN INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SEC. 413. Upon the establishment of the United States International Development Cooperation Agency pursuant to Reorganization Plan Numbered 2 of 1979, the Institute shall be established within such Agency. 22 USC 3512. 93 Stat. 1378.

EXPIRATION OF AUTHORITIES

SEC. 414. The authorities contained in this title shall expire on September 30, 1984. 22 USC 3513.

TITLE V—MISCELLANEOUS PROVISIONS

EARMARKING FOR LEBANON OF UNOBLIGATED BALANCES IN THE MIDDLE EAST SPECIAL REQUIREMENTS FUND

SEC. 501. Of the funds continued available for the fiscal year 1979 for the Middle East Special Requirements Fund by section 103 of the Foreign Assistance and Related Programs Appropriations Act, 1979, which are unobligated on the date of enactment of this Act, $5,000,000 shall be available only for Lebanon and may hereafter be continued available only for such country. 92 Stat. 1595.

MILITARY ASSISTANCE TO SUDAN

SEC. 502. In addition to the amount authorized to be appropriated for grant military assistance for the fiscal year 1980 by section 504(a)(1) of the Foreign Assistance Act of 1961, there is authorized to be appropriated to carry out the purposes of chapter 2 of part II of that Act for the fiscal year 1980 $1,700,000. Not more than $1,700,000 of the funds available to carry out that chapter for the fiscal year 1980 may be allocated and made available for assistance for Sudan. For purposes of the last sentence of section 504(a)(1) and for purposes of section 515(b)(1) of the Foreign Assistance Act of 1961, this section shall be deemed to be part of such section 504(a)(1). Appropriation authorization. 22 USC 2312 note. 22 USC 2312. 22 USC 2311. 22 USC 2321i.

UNIFIED PERSONNEL SYSTEM

22 USC 2385a.

SEC. 503. (a) Section 401(a) of the International Development and Food Assistance Act of 1978 is amended by striking out "March 15" and inserting in lieu thereof "May 1".

Effective date.
22 USC 2385a note.

(b) The amendment made by subsection (a) shall be effective as of March 15, 1979.

HUMAN RIGHTS REPORTS

22 USC 2151n.

SEC. 504. (a) Paragraph (1) of section 116(d) of the Foreign Assistance Act of 1961 is amended to read as follows:

> "(1) the status of internationally recognized human rights, within the meaning of subsection (a)—
>
> > "(A) in countries that receive assistance under this part, and
> >
> > "(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act; and".

Report to Congress.
22 USC 2151m note.

(b) Not later than November 15, 1979, the Secretary of State shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the impact on the foreign relations of the United States of the reports required by the Foreign Assistance Act of 1961 on the human rights practices of foreign governments.

PROHIBITION ON ASSISTANCE TO AFGHANISTAN

SEC. 505. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2374.

"SEC. 620D. PROHIBITION ON ASSISTANCE TO AFGHANISTAN.—(a) None of the funds authorized to be appropriated under this Act may be used to furnish assistance to Afghanistan nor may funds authorized to be appropriated under this Act before October 1, 1979, be expended for assistance to Afghanistan until the President certifies to the Congress that—

> "(1) the Government of Afghanistan has apologized officially and assumes responsibility for the death of Ambassador Adolph Dubs; and
>
> "(2) the Government of Afghanistan agrees to provide adequate protection for all personnel of the United States Government in Afghanistan.

"(b) The provisions of subsection (a) shall not apply if the President determines that such assistance is in the national interest of the United States because of substantially changed circumstances in Afghanistan.".

PROHIBITION ON ASSISTANCE TO VIETNAM, CAMBODIA, AND CUBA

22 USC 2151 note.

SEC. 506. Funds authorized to be appropriated in this Act shall not be used for any form of aid, either by monetary payment or by the sale or transfer of any goods of any nature, to the Socialist Republic of Vietnam, Cambodia, or Cuba.

NON-PROLIFERATION OF NUCLEAR WEAPONS

92 Stat. 120.
22 USC 3201 note.

SEC. 507. (a) In accordance with the Nuclear Non-Proliferation Act of 1978, the Congress strongly urges all nations which are not parties to the Treaty on Non-Proliferation of Nuclear Weapons to become parties to that treaty.

Report to Congress.

(b) Not later than November 1, 1979, the Secretary of State shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a report specifying, on a country-by-country basis, what efforts the Department of State has made to encourage nations which are not parties to the Treaty on Non-Proliferation of Nuclear Weapons to become parties to that treaty.

ACCELERATED LOAN REPAYMENTS

Ante, p. 363.

Sec. 508. (a) Chapter 1 of part I of the Foreign Assistance Act of 1961, as amended by section 110 of this Act, is further amended by adding at the end thereof the following new section:

22 USC 2151y.

"Sec. 127. Accelerated Loan Repayments.—The Administrator of the agency primarily responsible for administering this part shall conduct an annual review of bilateral concessional loan balances and shall determine and identify those countries whose financial resources make possible accelerated loan repayments. In particular, European countries that were recipients of concessional loans by predecessor agencies to the agency primarily responsible for administering this part shall be contacted to negotiate accelerated repayments. The criteria used by the Administrator in making these determinations shall be established in conjunction with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.".

22 USC 2151y note.
92 Stat. 957.
22 USC 2394.

(b) The annual reports on foreign assistance which are submitted to the Congress in 1980 and 1981 pursuant to section 634 of the Foreign Assistance Act of 1961 shall describe the efforts made to negotiate accelerated loan repayments in accordance with the amendment made by subsection (a) of this section.

REFUGEE CRISIS IN SOUTHEAST ASIA

22 USC 2151 note.

Sec. 509. (a)(1) The refugee crisis in Indochina is unfolding as one of the great human tragedies of our time.

(2) At least seven hundred and fifty thousand human beings have fled Vietnam, Kampuchea, and Laos since the spring of 1975.

(3) Approximately three hundred thousand human beings currently remain in refugee camps throughout Southeast Asia.

(4) As many as two hundred and fifty thousand human beings may have perished in their attempts to reach freedom and many thousands more face death should the present situation continue.

(5) The international borders are closing to the refugees fleeing from Indochina.

(6) The international community has failed to respond adequately to the crisis, despite the existence of adequate mechanisms to respond.

(b) It is the sense of the Congress that the President should continue to support the efforts of the Secretary General of the United Nations to use appropriate fora to deal with the refugee crisis in Southeast Asia.

Report.
Report to Congress.

(c) The President shall study the prospects for permanent resettlement of Indochinese refugees, in conjunction with bilateral and multilateral development assistance programs, so that no disruption of the economy of a host country would result. The President shall periodically report the results of this study to the Congress, with a preliminary report to be submitted no later than one hundred and twenty days after the date of enactment of this Act.

CERTAIN TRAVEL EXPENSES

SEC. 510. Section 5924(4)(B) of title 5, United States Code, is amended by striking out "one annual trip each way for each dependent of an employee of the Department of State or the United States Information Agency, or" and inserting in lieu thereof "(i) in the case of dependents traveling to obtain secondary education, one annual trip, or in the case of dependents traveling to obtain undergraduate college education, two annual trips, each way for each dependent of an employee of the Department of State, of the International Communication Agency, or of the Agency for International Development, or (ii)".

HUMAN RIGHTS

22 USC 2304.

SEC. 511. Section 502B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.".

EFFECTIVE DATES

22 USC 2151 note.

SEC. 512. (a) Except as provided in subsection (b) of this section and in section 503(b), this Act shall take effect on October 1, 1979.

(b) Sections 114(b), 123, 501, and 509 of this Act shall take effect on the date of enactment of this Act.

Approved August 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-79 (Comm. on Foreign Affairs) and No. 96-397 (Comm. of Conference).

SENATE REPORTS: No. 96-137 accompanying S. 588 (Comm. on Foreign Relations) and No. 96-196 accompanying S. 588 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 125 (1979):
- Apr. 4, 5, 9, 10, considered and passed House.
- June 18, 19, S. 588 considered in Senate.
- June 19, H.R. 3324 considered and passed Senate, amended, in lieu of S. 588.
- July 31, Senate agreed to conference report.
- Aug. 2, House agreed to conference report.

Public Law 96-54
96th Congress

An Act

To make certain technical and clerical amendments to title 5, United States Code.

Aug. 14, 1979
[H.R. 4616]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Title 5, United States Code, amendment.

REFERENCES TO TITLE 5, UNITED STATES CODE

SECTION 1. Whenever in this Act, any reference, amendment, or repeal is expressed in terms of a reference or amendment to, or repeal of, a section or other provision, it shall be considered to be made to a section or other provision of title 5, United States Code.

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 2. (a)(1) The table of parts is amended by striking out "The United States Civil Service Commission" and inserting in lieu thereof "Civil Service Functions and Responsibilities".

(2) Sections 305(b), 4111(b), 4112(a), 5514(b), and 5903 are each amended by striking out "Director of the Bureau of the Budget" wherever it appears and inserting in lieu thereof "President".

(3) Section 1308(a)(3) is amended by striking out "Office" and inserting in lieu thereof "Merit Systems Protection Board".

(4) Section 2101(3) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(5) Section 2105(a)(1)(F) is amended—

(A) by striking out "the adjutants" and inserting in lieu thereof "an adjutant"; and

(B) by striking out ", United States Code".

(6) Section 2105(c)(1) is amended to read as follows:

"(1) laws (other than subchapter IV of chapter 53 and sections 5550 and 7204 of this title) administered by the Office of Personnel Management; or".

(7) Section 2106 is amended by striking out "from the District of Columbia" and inserting in lieu thereof "to the House of Representatives".

(8) Section 2108(3) is amended by inserting after "claimed" in subparagraph (G)(iii) a semicolon and the following: "but does not include applicants for, or members of, the Senior Executive Service".

(9)(A) Section 2108(5) is amended by striking out "; but does not include applicants for, or members of, the Senior Executive Service".

(B) The amendment made by subparagraph (A) shall take effect October 1, 1980. 5 USC 2108 note.

(10) Chapter 31 is amended by inserting after the chapter analysis for such chapter the following:

"SUBCHAPTER I—EMPLOYMENT AUTHORITIES".

(11) Section 3102(a)(2) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(12) Section 3132(a)(1)(B) is amended by inserting "and," after "the National Security Agency,".

(13) The chapter analysis for chapter 33 is amended by striking out the item relating to section 3315a.

(14) Sections 3305(a), 3315(a), 3317(a), 3326(b)(1), 5550a(a), 5596(c), and 7327(b) are each amended by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management".

(15) Sections 3305(b), 3315(b), 3317(b), 4102(b), 5347(e), 5550a(b), 6305, and 7327(b) are each amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(16) Section 3302(2) is amended to read as follows:

"(2) necessary exceptions from the provisions of sections 2951, 3304(a), 3321, 7202, 7203, 7321, and 7322 of this title.".

(17) Section 3324(a)(4)(A) is amended by striking out " 'National Security Council', or 'Office of Emergency Planning' " and inserting in lieu thereof "or 'National Security Council' ".

(18) Subsections (a) and (b) of section 3503 are each amended by striking out "each preference eligible employed" and inserting in lieu thereof "each competing employee".

(19) Sections 4102(a)(1)(C) and 4109(a)(2) (A) and (B) are each amended by striking out "Environmental Science Services Administration" each place it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(20) Chapter 43 is amended by inserting after the chapter analysis for such chapter the following new heading:

"SUBCHAPTER I—GENERAL PROVISIONS".

(21) Section 4701(b) is amended—

(A) by striking out "subchapter" and inserting in lieu thereof "chapter"; and

(B) by striking out "5 U.S.C. 5108 note" and inserting in lieu thereof "28 U.S.C. 509 note".

(22) Section 5102(23) is amended by striking out "Patent Office" and inserting in lieu thereof "Patent and Trademark Office".

(23) Section 5108(c) is amended—

(A) by inserting "and" at the end of paragraph (3); and

(B) by redesignating paragraph (17) as paragraph (4).

(24) Section 5311(b)(1) is amended by striking out "Director" and inserting in lieu thereof "Director of the Office of Personnel Management".

(25)(A) Sections 5312, 5313, 5314, 5315, and 5316 are each amended by striking out the paragraph designations of the positions listed therein.

5 USC 5312 note. (B) The amendments made by subparagraph (A) shall take effect January 1, 1980.

(26)(A) The catchline for section 5333 is amended by striking out "wage-board employees" and inserting in lieu thereof "prevailing rate employees".

(B) The item relating to section 5333 in the analysis for chapter 53 is amended by striking out "wage-board employees" and inserting in lieu thereof "prevailing rate employees".

(27) Section 5334(a) is amended by striking out "section 106(a)" and "section 3186(2)" and inserting in lieu thereof "section 106(2)" and "section 3186(a)(2)", respectively.

(28) Section 5335(a)(3)(B) is amended by striking out "a administrative law judge" and inserting in lieu thereof "an administrative law judge".

(29) Section 5504(a)(B) is amended by striking out "this section" and inserting in lieu thereof "this title".

(30) Section 5516 is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Mayor".

(31) Section 5521(3)(B) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(32) Section 5545(c)(2) is amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(33) The sentence following paragraph (2) of section 5562(a) is amended by striking out "the date of enactment of this sentence" and inserting in lieu thereof "December 14, 1973,".

(34) Section 5581(1) is amended by inserting "and" at the end of clause (iv).

(35) Section 5584(b)(4) is amended by striking out "the date on which this clause (4) is enacted into law," and inserting in lieu thereof "July 25, 1974,".

(36) Section 5702(c) is amended by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively.

(37) Section 5943 is amended—

(A) in subsection (a), by striking out "and on recommendation of the Director of the Bureau of the Budget"; and

(B) in subsection (d), by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(38) Section 6104 is amended—

(A) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Mayor"; and

(B) by striking out "District of Columbia Council" and inserting in lieu thereof "Council of the District of Columbia".

(39) Section 6304(e) is amended by striking out "salary rate" and inserting in lieu thereof "rate of basic pay".

(40) Section 6323 is amended by redesignating the first subsection (c) as subsection (b).

(41) Section 6325 is amended to read as follows:

"§6325. Absence resulting from hostile action abroad

"Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury—

"(1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and

"(2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee.".

(42) The heading for subchapter III of chapter 71 is amended to read as follows:

"SUBCHAPTER III—GRIEVANCES, APPEALS, AND REVIEW".

(43) Chapter 72 is amended by inserting before section 7201 the following:

"SUBCHAPTER I—ANTIDISCRIMINATION IN EMPLOYMENT".

(44) Section 7325 is amended by striking out "Civil Service Commission" and "Commission" and inserting in lieu thereof "Merit Systems Protection Board" and "Board", respectively.

(45) Section 7701 is amended—

(A) in subsection (e)(1), by striking out "administration" and inserting in lieu thereof "administrative";

(B) in subsection (g)(1), by striking out ", as the case may be," and inserting in lieu thereof "(as the case may be)"; and

(C) in subsection (h), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(46) Section 7702 is amended—

(A) in subsection (a)(1)(A), by striking out "effected" and inserting in lieu thereof "affected";

(B) in subsection (a)(1)(B)(i), by striking out "(42 U.S.C. 2000e–16c)" and inserting in lieu thereof "(42 U.S.C. 2000e–16)";

(C) in subsection (e)(1)(C), by striking out "of this title" and inserting in lieu thereof "of this section"; and

(D) in subsection (e)(1), by striking out "(29 U.S.C. 216(d))" and inserting in lieu thereof "(29 U.S.C. 216(b))".

(47) Section 8331 is amended—

(A) in paragraph (2), by striking out "and a Delegate to Congress,"; and

(B) in paragraph (19)(C), by striking out "and".

(48) Section 8332 is amended—

(A) in subsection (b)(6), by striking out ", United States Code"; and

(B) in the last sentence of subsection (b), by striking out ", United States Code, on or after the effective date of the National Guard Technicians Act of 1968" and inserting in lieu thereof "after December 31, 1968".

(49) Subsection (o) of section 8339 is redesignated as subsection (n).

(50) Section 8347(h) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(51) Section 8701(a) is amended by striking out clauses (7) through (9) and inserting in lieu thereof the following:

"(7) an individual employed by a county committee established under section 590h(b) of title 16; and

"(8) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);". 3 USC 102 note.

(52) Section 8901(1) is amended by striking out clauses (F) through (H) and inserting in lieu thereof the following:

"(F) an individual employed by Gallaudet College; and

"(G) an individual employed by a county committee established under section 590h(b) of title 16;".

(53) Section 8906(b)(1) is amended to read as follows:

"(b)(1) Except as provided by paragraphs (2) and (3) of this subsection, the biweekly Government contribution for health benefits for an employee or annuitant enrolled in a health benefits plan under this chapter is adjusted to an amount equal to 60 percent of the average subscription charge determined under subsection (a) of this section. For an employee, the adjustment begins on the first day of the employee's first pay period of each year. For an annuitant, the adjustment begins on the first day of the first period of each year for which an annuity payment is made.".

(b) Except as otherwise expressly provided in subsection (a), the amendments made by subsection (a) shall take effect July 12, 1979, or the date of the enactment of this Act, whichever is earlier.

Effective date.
5 USC 305 note.

Approved August 14, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-276 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 10, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 96-55
96th Congress

An Act

Aug. 14, 1979
[H.R. 4811]

For the relief of the city of Nenana, Alaska, and to amend the Act of January 2, 1976, as amended, and for other purposes.

Nenana, Alaska.
Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the municipal reserves, streets, and alleys shown on United States Surveys Numbered 1127, 1503, and 4026, except for the Alaska Railroad right-of-way one hundred feet on either side of the centerline of the existing Railroad mainline, are hereby conveyed to the city of Nenana, Alaska.

91 Stat. 1369.
43 USC 1611 note.

Sec. 2. Subsection (b) of section 12 of the Act of January 2, 1976 (Public Law 94-204) as amended by the Act of October 4, 1976 (Public Law 94-456) and by the Act of November 15, 1977 (Public Law 95-178), is hereby amended to add at the end thereof the following new paragraph:

"Any provision of law to the contrary notwithstanding, if the Region, the Secretary, and/or the Administrator of General Services do not complete the nomination of lands referred to in subparagraphs (5) and (6) of this subsection by the dates set in subparagraphs I(C)(1)(b) and I(C)(2)(a) of the document referred to in this subsection, then, and in that event, these dates shall hereby automatically be extended by operation of this subsection for twelve months beyond the period set in section 3(a) of Public Law 95-178.".

Approved August 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-387 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-250 accompanying S. 1479 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 30, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 96-56
96th Congress

An Act

To amend the Bankruptcy Act to provide for the nondischargeability of certain student loan debts guaranteed or insured by the United States.

Aug. 14, 1979
[H.R. 2807]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17a of the Bankruptcy Act (11 U.S.C. 35(a)) is amended—

Bankruptcy Act, amendment.
Certain student loan debts, nondischargeability.

(1) by striking out "or" at the end of clause (7); and

(2) by striking out the period at the end of clause (8) and inserting in lieu thereof: "or; (9) for a loan insured or guaranteed under the authority of part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) unless (a) the discharge is granted after the five-year period (exclusive of any applicable suspension of the repayment period) beginning on the date of commencement of the repayment period of such loan, or (b) the discharge is granted prior to the expiration of such five-year period and the court determines that payment from future income or wealth will impose an undue hardship on the bankrupt or his dependents.".

Effective date.
11 USC 35 note.
11 USC 1 note.

SEC. 2. The amendments made by section 1 shall apply with respect to any proceeding commenced under the Bankruptcy Act during the period beginning on the date of enactment of this Act and ending October 1, 1979.

SEC. 3. Section 523(a)(8) of title 11, United States Code, as enacted by section 101 of Public Law 95-598, is amended—

(1) by striking out "to a governmental unit, or a nonprofit institution of higher education, for an educational loan" and inserting instead "for an educational loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or a nonprofit institution of higher education"; and

(2) in subparagraph (A), by inserting "(exclusive of any applicable suspension of the repayment period)" after "before five years".

Approved August 14, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-230 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 7, considered and passed House.
  July 11, considered and passed Senate, amended.
  Aug. 1, House concurred in Senate amendments.

Public Law 96-57
96th Congress

An Act

Aug. 14, 1979
[H.R. 3914]

To amend the National Capital Transportation Act of 1969 to remove the limitation on the amount authorized for District of Columbia contributions for the cost of construction of the rapid transit system of the National Capital Region.

National Capital Transportation Act of 1969, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the National Capital Transportation Act of 1969 (D.C. Code, sec. 1-1443), relating to the District of Columbia contributions, is amended—

(1) by striking out "Commissioner" in subsections (a) and (d) and inserting in lieu thereof "Mayor"; and

(2) by striking out "aggregating not to exceed $269,700,000" in the first sentence of subsection (a); and

(3) by striking out "not to exceed $219,700,000" in the second sentence of subsection (a) and inserting in lieu thereof "such sums as may be necessary".

Approved August 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-132 (Comm. on the District of Columbia).
SENATE REPORT No. 96-263 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 23, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 96-58
96th Congress

An Act

To increase the fiscal year 1979 authorization for appropriations for the food stamp program, and for other purposes.

Aug. 14, 1979
[H.R. 4057]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Food Stamp Act of 1977, amendment.

INCREASE IN 1979 AUTHORIZATION FOR APPROPRIATIONS; REPEAL OF AUTHORITY FOR CARRYOVER OF APPROPRIATIONS; METHOD OF REDUCING ALLOTMENTS IF APPROPRIATIONS ARE INSUFFICIENT

SECTION 1. Section 18 of the Food Stamp Act of 1977 is amended by—

7 USC 2027.

(1) striking out "$6,158,900,000" in the first sentence of subsection (a) and inserting in lieu thereof "$6,778,900,000";

Appropriation authorization.

(2) striking out the third sentence of subsection (a) and inserting in lieu thereof two new sentences as follows: "The Secretary shall, by the fifteenth day of each month, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate setting forth the Secretary's best estimate of the second preceding month's expenditure, including administrative costs, as well as the cumulative totals for the fiscal year. In each monthly report, the Secretary shall also state whether there is reason to believe that reductions in the value of allotments issued to households certified to participate in the food stamp program will be necessary under subsection (b) of this section.";

Report to congressional committees.

(3) striking out "If" in the second sentence of subsection (b) and inserting in lieu thereof "Notwithstanding any other provision of this Act, if"; and

(4) adding at the end thereof new subsections (c) and (d) as follows:

Allotment reductions.

"(c) In prescribing the manner in which allotments will be reduced under subsection (b) of this section, the Secretary shall ensure that such reductions reflect, to the maximum extent practicable, the ratio of household income, determined under sections 5(d) and 5(e) of this Act, to the income standards of eligibility, for households of equal size, determined under section 5(c) of this Act. The Secretary may, in prescribing the manner in which allotments will be reduced, establish (1) special provisions applicable to persons sixty years of age or over and persons who are physically or mentally handicapped or otherwise disabled, and (2) minimum allotments after any reductions are otherwise determined under this section.

7 USC 2014.

"(d) Not later than sixty days after the issuance of a report under subsection (a) of this section in which the Secretary expresses the belief that reductions in the value of allotments to be issued to households certified to participate in the food stamp program will be necessary, the Secretary shall take the requisite action to reduce allotments in accordance with the requirements of this section. Not later than seven days after the Secretary takes any action to reduce

Statement to congressional committees.

allotments under this section, the Secretary shall furnish the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a statement setting forth (1) the basis of the Secretary's determination, (2) the manner in which the allotments will be reduced, and (3) the action that has been taken by the Secretary to reduce the allotments.".

EXCESS MEDICAL EXPENSE AND EXCESS SHELTER EXPENSE DEDUCTIONS FOR ELDERLY PERSONS AND PERSONS RECEIVING SUPPLEMENTAL SECURITY INCOME BENEFITS OR SOCIAL SECURITY DISABILITY PAYMENTS

7 USC 2014.

SEC. 2. Section 5(e) of the Food Stamp Act of 1977 is amended by—

(1) inserting in the fourth sentence after "Households" the following: ", other than those households containing a member who is sixty years of age or over or who receives supplemental security income benefits under title XVI of the Social Security Act or disability payments under title II of the Social Security Act,"; and

42 USC 1381, 401.

(2) adding at the end thereof a new sentence as follows: "Households containing a member who is sixty years of age or over or who receives supplemental security income benefits under title XVI of the Social Security Act or disability payments under title II of the Social Security Act shall also be entitled to—

"(A) an excess medical expense deduction for that portion of the actual cost of allowable medical expenses, incurred by household members who are sixty years of age or over or who receive supplemental security income benefits under title XVI of the Social Security Act, or disability payments under title II of the Social Security Act, exclusive of special diets, that exceed $35 a month;

"(B) a dependent care deduction, the maximum allowable level of which shall be the same as that for the excess shelter expense deduction contained in clause (2) of the preceding sentence, for the actual cost of payments necessary for the care of a dependent, regardless of the dependent's age, when such care enables a household member to accept or continue employment, or training or education that is preparatory for employment; and

"(C) an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 per centum of monthly household income after all other applicable deductions have been allowed.".

DEFINITION OF ALLOWABLE MEDICAL EXPENSES

7 USC 2012.

SEC. 3. Section 3 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (q) as follows:

"(q) 'Allowable medical expenses' means expenditures for (1) medical and dental care, (2) hospitalization or nursing care (including hospitalization or nursing care of an individual who was a household member immediately prior to entering a hospital or nursing home), (3) prescription drugs when prescribed by a licensed practitioner authorized under State law and over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional, (4) health and hospitalization insurance policies (excluding the costs of health and accident or income maintenance policies), (5) medicare premiums related to coverage under title XVIII of the Social Security Act, (6) dentures, hearing aids, and prosthetics (including the costs of securing and maintaining a seeing eye dog), (7) eye glasses prescribed by a physician skilled in eye disease or by an optometrist, (8) reasonable costs of transportation necessary to secure medical treatment or services, and (9) maintaining an attendant, homemaker, home health aide, housekeeper, or child care services due to age, infirmity, or illness.". 42 USC 1395.

PROVISION OF INFORMATION

SEC. 4. Section 16 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (f) as follows: 7 USC 2025.

"(f) The Secretary and State agencies may (1) require, as a condition of eligibility for participation in the food stamp program, that each household member furnish to the State agency their social security account number (or numbers, if they have more than one number), and (2) use such account numbers in the administration of the food stamp program. The Secretary and State agencies shall have access to the information regarding individual food stamp program applicants and participants who receive benefits under title XVI of the Social Security Act that has been provided to the Secretary of Health, Education, and Welfare, but only to the extent that the Secretary and the Secretary of Health, Education, and Welfare determine necessary for purposes of determining or auditing a household's eligibility to receive assistance or the amount thereof under the food stamp program, or verifying information related thereto.". 42 USC 1381.

REPAYMENT FOR FRAUDULENT CONDUCT

SEC. 5. Section 6(b) of the Food Stamp Act of 1977 is amended by adding at the end thereof two new sentences as follows: "After any specified period of disqualification pursuant to findings under clauses (1) or (2) of this subsection, no disqualified individual shall be eligible to participate in the food stamp program unless such individual agrees to (A) a reduction in the allotment of the household of which such individual is a member or (B) to repayment in cash, in accordance with a reasonable schedule as determined by the Secretary that will be sufficient over time to reimburse the Federal Government for the value of the coupons obtained through the fraudulent conduct. If any disqualified individual elects repayment in cash under the provisions of the preceding sentence and fails to make payments in accordance with the schedule determined by the Secretary, the household of which such individual is a member shall be subject to appropriate allotment reductions.". 7 USC 2015.

STATE SHARE OF RECOVERIES

SEC. 6. Section 16(a) of the Food Stamp Act of 1977 is amended by inserting before the period at the end thereof the following: ", as well as to permit each State to retain 50 per centum of the value of all funds or allotments recovered or collected through prosecutions or other State activities directed against individuals who fraudulently obtain allotments as determined in accordance with this Act. The officials responsible for making determinations of fraud under this Act shall not receive or benefit from revenues retained by the State under the provisions of this subsection". 7 USC 2025.

GROUP LIVING ARRANGEMENTS FOR THE DISABLED OR BLIND

7 USC 2012.

SEC. 7. Section 3 of the Food Stamp Act of 1977 is amended by—

(1) striking out in subsection (g) "and (5)" and inserting in lieu thereof "(5), and (7)";

(2) striking out in subsection (g) "and (6)" and inserting in lieu thereof "(6)";

(3) inserting immediately before the period at the end of subsection (g) the following: ", and (7) in the case of disabled or blind recipients of benefits under title II or title XVI of the Social Security Act who are residents in a public or private nonprofit group living arrangement that serves no more than sixteen residents and is certified by the appropriate State agency or agencies under regulations issued under section 1616(e) of the Social Security Act, meals prepared and served under such arrangement";

42 USC 401, 1381.

(4) inserting in subsection (i) after "elderly" the following: ", disabled or blind recipients of benefits under title II or title XVI of the Social Security Act who are residents in a public or private nonprofit group living arrangement that serves no more than sixteen residents and is certified by the appropriate State agency or agencies under regulations issued under section 1616(e) of the Social Security Act,";

42 USC 1382e.

(5) inserting immediately before the period at the end of subsection (i) the following: "and shall be considered individual households"; and

(6) amending clause (2) of subsection (k) to read as follows: "(2) an establishment, organization, program, or group living arrangement referred to in subsections (g) (3), (4), (5), and (7) of this section,".

7 USC 2019.

SEC. 8. Section 10 of the Food Stamp Act is amended by inserting after "programs" the following: ", and public or private nonprofit group living arrangements that serve meals to disabled or blind residents,".

DENIAL OF BENEFITS TO CERTAIN HOUSEHOLDS

7 USC 2015.

SEC. 9. Section 6 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (i) as follows:

"(i) No household that contains a person involved in a labor-management dispute shall be eligible to participate in the food stamp program unless the household meets the income guidelines, asset requirements, and work registration requirements of this Act.".

IMPLEMENTATION

7 USC 2012 note.

7 USC 2011 note.

SEC. 10. (a) The provisions of sections 2 and 3 of this Act shall be implemented in all States by January 1, 1980, and shall not affect the rights or liabilities of the Secretary, States, and applicant or participant households, under the Food Stamp Act of 1977 in effect on July 1, 1979, until implemented.

(b) Notwithstanding any other provision of law, the Secretary of Agriculture shall issue final regulations implementing the provisions of sections 4 through 6 of this Act within one hundred and fifty days after the date of enactment of this Act. Regulations.

(c) The provisions of sections 7 and 8 of this Act shall be implemented in all States by July 1, 1980, and shall not affect the rights or liabilities of the Secretary, States, and applicant or participating households, under the Food Stamp Act of 1977 in effect on July 1, 1979, until implemented. 7 USC 2011 note.

Approved August 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-264 (Comm. on Agriculture) and No. 96-394 (Comm. of Conference).

SENATE REPORTS: No. 96-236 accompanying S. 1309 (Comm. on Agriculture, Nutrition, and Forestry) and No. 96-261 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

July 11, considered and passed House.

July 23, S. 1309 considered and passed Senate; H.R. 4057, amended, passed in lieu.

July 27, Senate agreed to conference report.

Aug. 2, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 33:

Aug. 15, Presidential statement.

Public Law 96-59
96th Congress

An Act

Aug. 14, 1979
[S. 41]

To require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Bell County, Kentucky, to the Board of Education, Bell County, Kentucky.

Bell County, Ky. Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without consideration, to the Bell County Board of Education, Bell County, Kentucky, all right, title, and interest in and to 47.04 acres of land, more or less, a portion of the real property described as tract numbered 1101b in the quitclaim deed made by the United States, as grantor, to the Commonwealth of Kentucky, for the use and benefit of the Department of Conservation, dated April 15, 1954, recorded in Bell County, Kentucky, in deed book numbered 159, page 550, which the United States may hold as a result of covenants contained in said quitclaim deed: *Provided,* That this conveyance in no way affects the undivided interest of the United States in coal, oil, gas, and other minerals (not outstanding or reserved in third parties) reserved by the United States in said deed: *And provided further,* That any proceeds from the sale, lease, exchange, or other use or disposition of the lands shall be used exclusively for educational purposes by the Bell County Board of Education.

Description.

SEC. 2. The 47.04-acre tract described in section 1 lies on the east side of United States Highway 25E on Log Mountain in the Kentucky Ridge State Forest, and is more particularly described as follows: Beginning at a point in the west line of a 150-foot Kentucky Utilities Transmission Line easement and the east right-of-way line of United States 25E; thence, running with said easement south 01 degrees 46 minutes west, 2286.00 feet to a concrete monument (set); thence, leaving said easement and running south 86 degrees 34 minutes west, 1581.52 feet to a concrete monument (set) in the east right-of-way line of United States 25E; thence, with said right-of-way the following courses: north 28 degrees 36 minutes east, 500.00 feet; north 28 degrees 22 minutes east, 349.03 feet to a concrete right-of-way monument (found); north 37 degrees 36 minutes east, 456.59 feet to a concrete right-of-way monument (found); north 11 degrees 25 minutes west, 128.82 feet to a concrete right-of-way monument (found); north 38 degrees 11 minutes east, 497.55 feet to a concrete right-of-way monument (found); north 38 degrees 11 minutes east, 679.00 feet to a concrete right-of-way monument (found); north 50 degrees 02 minutes east, 343.70 feet to the point of beginning.

Approved August 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-277 (Comm. on Agriculture).
SENATE REPORT No. 96-48 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Apr. 4, considered and passed Senate.
July 23, considered and passed House, amended.
Aug. 1, Senate concurred in House amendments.

Public Law 96-60
96th Congress

An Act

To authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting.

Aug. 15, 1979
[H.R. 3363]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of State, International Communication Agency, and Board for International Broadcasting, appropriation authorizations.

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1980 and 1981".

Department of State Authorization Act, Fiscal Years 1980 and 1981.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. (a) There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts, subject to the limitation in subsection (b):

(1) For "Administration of Foreign Affairs", $849,423,000 for the fiscal year 1980 and $1,009,815,000 for the fiscal year 1981.

(2) For "International Organizations and Conferences", $502,945,000 for the fiscal year 1980 and $525,082,000 for the fiscal year 1981.

(3) For "International Commissions", $26,733,000 for the fiscal year 1980 and $26,081,000 for the fiscal year 1981.

(4) For "Migration and Refugee Assistance", $104,910,000 for the fiscal year 1979 (in addition to amounts otherwise authorized), $248,951,000 for the fiscal year 1980, and $254,188,000 for the fiscal year 1981.

(b) The aggregate amount appropriated under paragraphs (1), (2), and (3) of subsection (a) may not exceed $1,369,401,000 for the fiscal year 1980 and may not exceed $1,547,778,000 for the fiscal year 1981.

(c) Funds appropriated under paragraph (2) of subsection (a) may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise of the Inalienable Rights of the Palestinian People (or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 103. Of the amounts authorized to be appropriated by section 102(a)(4) of this Act for the fiscal year 1980 and for the fiscal year 1981, $25,000,000 for each such fiscal year shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

UNITED STATES-YUGOSLAVIA BILATERAL SCIENCE AND TECHNOLOGY AGREEMENT

SEC. 104. In addition to the amounts authorized to be appropriated by section 102(a) of this Act, there are authorized to be appropriated to the Secretary of State $1,400,000 for the fiscal year 1980 and $1,400,000 for the fiscal year 1981 for payment of the United States share of expenses of a five-year bilateral science and technology agreement between the United States and Yugoslavia, following entry into force of such agreement.

NONDISCRETIONARY PERSONNEL COSTS, CURRENCY FLUCTUATIONS, AND OTHER CONTINGENCIES

SEC. 105. (a) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, is amended by adding at the end thereof the following new section:

22 USC 2696.

"SEC. 24. (a) There are authorized to be appropriated for the Department of State, in addition to amounts otherwise authorized to be appropriated for the Department, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

"(b) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the Department of State, there are authorized to be appropriated for the Department such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.

"(c) Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be made available until expended.

"(d) Amounts authorized to be appropriated for the Department of State for a fiscal year for the 'Administration of Foreign Affairs' account, the 'International Organizations and Conferences' account, the 'International Commissions' account, or the 'Migration and Refugee Assistance' account may be appropriated for that fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for that account for that fiscal year.".

Effective date.
22 USC 2696 note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

EFFECTIVE DATE FOR CERTAIN PROMOTIONS OF FOREIGN SERVICE OFFICERS

SEC. 106. The promotion for each of 64 Foreign Service officers of classes 8 and 7 to the next higher class, as the case may be, for which the Senate gave its advice and consent on March 21, 1979, and which was attested to on March 22, 1979, shall be considered for all purposes to take effect on December 17, 1978. Any payments made in implementation of this section shall be from funds previously authorized and appropriated for the fiscal year 1979.

IMPROVEMENT IN FOREIGN NATIONAL PAY PLANS

SEC. 107. (a) It is the sense of the Congress that the Secretary of State should— 22 USC 889 note.

(1) improve coordination between the Department of State and the Department of Defense and other departments and agencies of the United States operating outside the United States with respect to foreign national pay systems and wage schedules to the extent that—

(A) joint wage surveys and compatible pay schedules are adopted in countries where two or more departments or agencies of the United States directly employ foreign nationals, and

(B) Department of Defense wage rates are included in wage surveys of the Department of State where the Department of Defense operates under indirect-hire arrangements;

(2) monitor the establishment of wage rates outside the United States more closely to insure that United States missions—

(A) operate under salary schedules that reflect private sector average pay or average pay ranges,

(B) include the cost of severance in making pay adjustments, and

(C) survey jobs in the private sector which represent as closely as possible the work force of the mission; and

(3) substitute, whenever possible, prevailing local retirement plans for civil service retirement with respect to the retirement of foreign nationals employed by the United States.

(b) Section 444(b) of the Foreign Service Act of 1946 (22 U.S.C. 889) is amended by inserting before the period at the end thereof the following: "and such regulations as the Secretary may prescribe".

UNITED STATES CONSULATES

SEC. 108. (a) The following United States consulates shall not be closed or, if closed on the date of enactment of this Act, shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia. 22 USC 2656 note.

(b) Personnel assigned to the consulates described in subsection (a) shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.

NONIMMIGRANT VISAS

SEC. 109. Section 21 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2691), is amended—

(1) by inserting "(a)" immediately after "SEC. 21."; and

(2) by adding at the end thereof the following:

"(b) This section does not apply to representatives of purported labor organizations in countries where such organizations are in fact instruments of a totalitarian state.

"(c) This section does not apply with respect to any alien who is a member, officer, official, representative, or spokesman of the Palestine Liberation Organization.

"(d) The Secretary of State may refuse to recommend a waiver for aliens from signatory countries which are not in substantial compliance with the provisions of the Helsinki Final Act, particularly the human rights and humanitarian affairs provisions.".

22 USC 3001 *et seq.*

UNITED NATIONS TECHNICAL ASSISTANCE PROGRAMS

SEC. 110. Title I of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979 (Public Law 95-431; 92 Stat. 1021), is amended in the paragraph under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" by striking out ", of which no part may be made available for the furnishing of technical assistance by the United Nations or any of its specialized agencies".

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

International Communication Agency Authorization Act, Fiscal Years 1980 and 1981.

SHORT TITLE

SEC. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1980 and 1981".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 202. There are authorized to be appropriated for the International Communication Agency $432,547,000 for the fiscal year 1980 and $465,944,000 for the fiscal year 1981 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

22 USC 1431 note, 2451 note. 5 USC app.

ADMINISTRATIVE AUTHORITIES

SEC. 203. (a)(1) Section 1001 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1434) and section 104(f) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454(f)) are repealed.

(2) Section 1304(a) of title 5, United States Code, is amended by striking out "290a, and 1434" and inserting in lieu thereof "and 290a".

(b)(1) Section 801(5) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471(5)) is amended to read as follows:

> "(5) to employ persons on a temporary basis without regard to the civil service and classification laws, when such employment is provided for by the pertinent appropriation Act; and".

(2) Section 804(1) of such Act (22 U.S.C. 1474(1)) is amended to read as follows:

> "(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not avaliable, and aliens so employed

abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions and procedures as may be established by the Director of the International Communication Agency and the Attorney General;".

(c) Section 602(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474) is amended—

(1) by striking out "or" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof "; or"; and

(3) by inserting immediately after paragraph (20) the following new paragraph:

"(21) the Director of the International Communication Agency with respect to the furnishing of facilities in foreign countries and reception centers within the United States.".

(d) Section 108(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2458(a)) is amended—

(1) by inserting "(1)" immediately after "Sec. 108. (a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, the Director of the International Communication Agency may provide, on a reimbursable basis, services within the United States in connection with exchange activities otherwise authorized by this Act when such services are requested by a department or executive agency. Reimbursements under this paragraph shall be credited to the applicable appropriation of the Agency.".

(e) Section 801(3) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471(3)) is amended to read as follows:

"(3) whenever necessary in carrying out title V of this Act, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed ten years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), and any such real property or interests therein which are outside the United States may be acquired without regard to section 355 of the Revised Statutes of the United States (40 U.S.C. 255) if the sufficiency of the title to such real property or interests therein is approved by the Director of the International Communication Agency;". 22 USC 1461.

(f) Title VI of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1466–1468) is amended by adding at the end thereof the following new section:

"UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

"Sec. 604. (a) The United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8 of Reorganization Plan Numbered 2 of 1977, is hereby redesignated as the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the 'Commission'). 22 USC 1469. 5 USC app.

"(b) The Commission shall have a Staff Director who shall be appointed by the Chairman of the Commission. Subject to such rules Membership. Duties.

and regulations as may be adopted by the Commission, the Chairman of the Commission may—

"(1) appoint such additional personnel for the staff of the Commission as the Chairman deems necessary; and

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.". 5 USC 5332 note.

TECHNICAL AMENDMENTS

SEC. 204. (a) Section 801(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471(1)) is amended by striking out "within the limitation of such appropriations as the Congress may provide".

(b) Section 804 of such Act (22 U.S.C. 1474) is amended—

(1) in paragraph (10) by striking out "five" and inserting in lieu thereof "ten";

(2) by striking out "and" at the end of paragraph (13);

(3) in paragraph (14) by striking out the comma and all that follows thereafter and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(15) hire passenger motor vehicles;

"(16) purchase passenger motor vehicles for use abroad, and right-hand drive vehicles may be so purchased without regard to any maximum price limitation established by law;

"(17) procure services of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

"(18) make advances of funds; and

"(19) notwithstanding section 5946 of title 5 of the United States Code, pay dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others.".

(c) Section 806 of such Act (22 U.S.C. 1475a) is amended by striking out "are authorized to be made" and inserting in lieu thereof "shall be".

(d) Section 108A(a)(2) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2458a(a)(2)) is amended by striking out "(E)" and "(F)" and inserting in lieu thereof "(F)" and "(G)", respectively.

(e) Title VII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476-1477a) is amended by adding at the end thereof the following new section:

"NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS

22 USC 1477b. "SEC. 704. (a) Amounts appropriated for a fiscal year to carry out this Act are authorized to be made available until expended.

"(b) There are authorized to be appropriated for the International Communication Agency, in addition to amounts otherwise authorized to be appropriated for the Agency, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

"(c) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the International Communication Agency, there are authorized to be appropriated for the

Agency such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.".

BOARD OF FOREIGN SCHOLARSHIPS

SEC. 205. (a) Section 106(e) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(e)) is amended—

(1) in the second sentence, by striking out "the Board,";

(2) in clause (ii) of the second sentence, by striking out "such Board,"; and

(3) by adding at the end thereof the following: "Members of the Board shall be entitled to such expenses and per diem in lieu of subsistence as provided for under clause (i) of the preceding sentence and, while performing services for the Board, to compensation at a rate, prescribed by the Director of the International Communication Agency, not in excess of the daily rate for the first step of GS-15 of the General Schedule under section 5332 of title 5, United States Code.".

5 USC 5332 note.

(b) The amendments made by subsection (a) shall take effect on October 1, 1979.

Effective date.
22 USC 2456 note.

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "MARGARET MEAD—REFLECTIONS"

SEC. 206. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "Margaret Mead—Reflections" (including the unedited footage for such film), and the Administrator shall make copies of such film available for purchase and public viewing in the United States.

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "ASPEN"

SEC. 207. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "Aspen", and the Administrator shall make copies of such film available for purchase and public viewing in the United States.

DISTRIBUTION WITHIN THE UNITED STATES OF THE ENGLISH TEACHING FORUM

SEC. 208. The second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended by striking out "which may continue to" in the parenthetical clause and inserting in lieu thereof "and the 'English Teaching Forum' which may".

EFFECTIVE DATE

22 USC 1469 note.

SEC. 209. The amendments made by sections 203 and 204 shall take effect on October 1, 1979, and to the extent that they provide new authorities involving the expenditure of appropriated funds, shall apply only with respect to funds appropriated after the date of enactment of this Act.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

Board for International Broadcasting Authorization Act, Fiscal Years 1980 and 1981. 22 USC 2871 note.

SEC. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1980 and 1981".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. Section 8(a) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to carry out the purposes of this Act—

"(A) $81,917,000 for the fiscal year 1980 and $86,787,000 for the fiscal year 1981, of which amount for each such year not less than $790,000 shall be available only to carry out the provisions of this Act other than the provisions of paragraph (1) of section 4(a); and

"(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.

"(2) In order to maintain the level of operations authorized under paragraph (1) for RFE/RL, Incorporated, there are authorized to be appropriated such additional amounts as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year. Amounts appropriated under this paragraph shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines (and so certifies to the Congress) is necessary, because of such fluctuations, in order to maintain the level of operation authorized under paragraph (1) for RFE/RL, Incorporated.

"(3) Amounts appropriated under this subsection are authorized to be made available until expended.".

REPORTING REQUIREMENT

SEC. 303. The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871-2878) is amended by adding at the end thereof the following new section:

Report to Congress. 22 USC 2879. 22 USC 2873.

"SEC. 10. Under the authority of section 4(a)(3) of this Act, the Board shall prepare and transmit to the Congress, on or before October 1, 1979, a report setting forth alternative plans for the relocation to the territory of the United States of such activities of RFE/RL, Incorporated, as would result in the transfer to the United States of not less than 10 percent, 25 percent, and 50 percent, respectively, of the total personnel of RFE/RL, Incorporated. For each such alternative plan, the report shall include—

"(1) proposals for the timing of such transfer and the recommended location in the United States of such personnel;

"(2) estimates of the costs and amortization period for such plan;

"(3) a consideration of the impact of such plan on the operating efficiency of RFE/RL, Incorporated, and on the effectiveness of RFE/RL, Incorporated, in achieving its program objectives; and

"(4) any other significant anticipated consequences of such a relocation.".

TITLE IV—MISCELLANEOUS PROVISIONS

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SEC. 401. Section 7 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007), is amended by adding at the end thereof the following new subsection:

"(c) Not to exceed $6,000 of the funds appropriated to the Commission for each fiscal year may be used for official reception and representational expenses.".

CHANGE IN STATUTORY REFERENCE

SEC. 402. Any reference in any provision of law to the Committee on International Relations of the House of Representatives shall be deemed to be a reference to the Committee on Foreign Affairs of the House of Representatives.

EGYPTIAN-ISRAELI CULTURAL, SCIENTIFIC, AND ECONOMIC RELATIONS

22 USC 3401 note.

SEC. 403. It is the sense of the Congress that it should be the policy of the United States to promote and encourage cultural, scientific, and economic relations between the Arab Republic of Egypt and the State of Israel.

APPLICATION OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO THE INTERNATIONAL LABOR ORGANIZATION

SEC. 404. Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by inserting "and may continue to be extended to the International Labor Organization" after "Unity".

MORATORIUM ON THE COMMERCIAL KILLING OF WHALES

16 USC 916 note.

SEC. 405. (a) The Congress finds and declares that—

(1) whales are a unique marine resource of great esthetic and scientific interest to mankind and are a vital part of the marine ecosystem;

(2) the protection and conservation of whales are of particular interest to citizens of the United States;

(3) in 1971 the Congress adopted resolutions requesting the Secretary of State to negotiate a ten-year moratorium on the commercial killing of whales;

(4) the United States, which effectively banned all commercial whaling by United States nationals in December 1971, has sought an international moratorium on the commercial killing of whales since 1972;

(5) the United Nations Conference on the Human Environment adopted a resolution in 1972 calling for a ten-year moratorium on commercial whaling;

(6) the United Nations Governing Council for Environment Programs in 1973 and 1974 confirmed such call for a ten-year

moratorium, and the Council continues to support ongoing efforts relating to whale conservation;

(7) the International Convention for the Regulation of Whaling, signed in 1946, as implemented by the International Whaling Commission, is not providing adequate protection to whales; 62 Stat. 1716.

(8) the data-gathering structure established under the International Whaling Commission has not provided all the available data necesary for sound whale conservation;

(9) there is strong evidence that the members of the International Whaling Commission continue to import, in some instances in increasing amounts, whale products from countries not members of the Commission; and

(10) defects in the implementation of the International Convention for the Regulation of Whaling by the International Whaling Commission allow harvests of the declining whale species.

(b) The Congress urges—

(1) the International Whaling Commission to agree to a moratorium on the commercial killing of whales; and

(2) Brazil, Denmark, Iceland, Japan, Norway, the Soviet Union, and the Republic of Korea, as parties to the International Convention for the Regulation of Whaling and which still engage in commercial whaling, and Chile, the People's Republic of China, Peru, Portugal, the Democratic Republic of Korea, Spain, and Taiwan, as countries which are not parties to the Convention and which still engage in commercial whaling, to recognize and comply voluntarily with a moratorium on the commercial killing of whales, as endorsed by the United Nations Conference on the Human Environment and the United Nations Governing Council for Environment Programs.

PRIVATE SECTOR REPRESENTATIVES ON THE UNITED STATES DELEGATION TO THE WORLD ADMINISTRATIVE RADIO CONFERENCE

SEC. 406. The provisions of sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States Delegation to the World Administrative Radio Conference to be convened in Geneva on September 24, 1979, who is specifically designated to speak on behalf of or otherwise represent the interest of the United States at such Conference with respect to a particular matter, if the Secretary of State or his designee certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All of such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

Financial disclosure report.

UNITED STATES CITIZENS ABROAD

SEC. 407. Subsection (a)(2) of section 611 of the Foreign Relations Authorization Act, Fiscal Year 1979, is amended to read as follows:

92 Stat. 989.
22 USC 1731 note.

"(2) United States statutes and regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad or working in international markets.".

(b) Subsection (b) of such section is amended—

(1) in the text preceding paragraph (1) by striking out "1979" and inserting in lieu thereof "1980";

(2) in paragraph (1) by striking out "discriminate against United States citizens living abroad" and inserting in lieu thereof "treat United States citizens living abroad differently from United States citizens residing within the United States, or which may cause, directly or indirectly, competitive disadvantage for Americans working abroad relative to the treatment by other major trading nations of the world of their nationals who are working outside their territory";

(3) in paragraph (3) by striking out "inequitable" and inserting in lieu thereof "competitively disadvantaging"; and

(4) in paragraph (3) by inserting "or working" immediately after "living".

SANCTIONS AGAINST ZIMBABWE-RHODESIA

SEC. 408. (a) The Congress finds that—

22 USC 287c note.

(1) it is in the interest of the United States to encourage the development of a multiracial democracy in Zimbabwe-Rhodesia based on both majority rule and minority rights;

(2) the elections held in April 1979, in which Zimbabwe-Rhodesians approved through elections the transfer of power to a black majority government, constituted a significant step toward multiracial democracy in Zimbabwe-Rhodesia;

(3) the Government of Zimbabwe-Rhodesia has expressed its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues;

(4) it is in the foreign policy interest of the United States to further continuing progress toward genuine majority rule in Zimbabwe-Rhodesia and to encourage a peaceful resolution of the conflict; and

(5) the Government of Great Britain, which retains responsibility for Zimbabwe-Rhodesia under international law, has not yet taken steps to recognize the legality of the new government.

(b) In view of these considerations, the President shall—

(1) continue United States efforts to promote a speedy end to the Rhodesian conflict; and

Report to Congress.

(2) terminate sanctions against Zimbabwe-Rhodesia by November 15, 1979, unless the President determines it would not be in our national interest to do so and so reports to the Congress.

If the President so reports to the Congress, then sanctions shall be terminated if the Congress, within 30 calendar days after receiving the report under paragraph (2), adopts a concurrent resolution stating in substance that it rejects the determination of the President. A concurrent resolution under the preceding sentence shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36(b) of the Arms Export Control Act.

90 Stat. 765.

22 USC 2776.

Approved August 15, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-81 (Comm. on Foreign Affairs) and No. 96-399 (Comm. of Conference).
SENATE REPORT No. 96-116 accompanying S. 586 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Apr. 10, 24, considered and passed House.
May 9, 10, 14, 15, S. 586 considered in Senate.
May 15, H.R. 3363, considered and passed Senate, amended, in lieu of S. 586.
Aug. 2, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 33:
Aug. 15, Presidential statement.

Public Law 96-61
96th Congress

An Act

To authorize appropriations to carry out the Fishery Conservation and Management Act of 1976 during fiscal years 1980, 1981, and 1982, and for other purposes.

Aug. 15, 1979
[S. 917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1882) is amended by inserting at the end thereof the following:

"(6) $33,000,000 for the fiscal year ending September 30, 1980.

"(7) $40,000,000 for the fiscal year ending September 30, 1981.

"(8) $47,000,000 for the fiscal year ending September 30, 1982.".

Fishery Conservation and Management Act of 1976, amendment.
Appropriation authorization.

Sec. 2. Section 4311(a) of the Revised Statutes of the United States (46 U.S.C. 251(a)) is amended by adding at the end thereof the following new sentence: "For the purposes of this subsection, the term 'fisheries' shall include the planting, cultivation, catching, taking, or harvesting of fish, shellfish, marine animals, pearls, shells, or marine vegetation at any place within the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811).".

"Fisheries."

Sec. 3. (a) Section 201(e) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) and (D), respectively;

(2) by inserting "(1)" immediately after "ALLOCATION OF ALLOWABLE LEVEL.—"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) For the purposes of this paragraph—

"(i) The term 'certification' means a certification made by the Secretary that nationals of a foreign country, directly or indirectly, are conducting fishing operations or engaging in trade or taking which diminishes the effectiveness of the International Convention for the Regulation of Whaling. A certification under this section shall also be deemed a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

"Certification."

"(ii) The term 'remedial period' means the 365-day period beginning on the date on which a certification is issued with respect to a foreign country.

"Remedial period."

"(B) If the Secretary issues a certification with respect to any foreign country, then each allocation under paragraph (1) that—

Allocation, reduction.

"(i) is in effect for that foreign country on the date of issuance; or

"(ii) is not in effect on such date but would, without regard to this paragraph, be made to the foreign country within the remedial period;

shall be reduced by the Secretary of State, in consultation with the Secretary, by not less than 50 percent.

"(C) The following apply for purposes of administering subparagraph (B) with respect to any foreign country:

"(i) If on the date of certification, the foreign country has harvested a portion, but not all, of the quantity of fish specified under any allocation, the reduction under subparagraph (B) for that allocation shall be applied with respect to the quantity not harvested as of such date.

Reallocation.

"(ii) If the Secretary notified the Secretary of State that it is not likely that the certification of the foreign country will be terminated under section 8(d) of the Fishermen's Protective Act of 1967 before the close of the period for which an allocation is applicable or before the close of the remedial period (whichever close first occurs) the Secretary of State, in consultation with the Secretary, shall reallocate any portion of any reduction made under subparagraph (B) among one or more foreign countries for which no certification is in effect.

Infra.

"(iii) If the certification is terminated under such section 8(d) during the remedial period, the Secretary of State shall return to the foreign country that portion of any allocation reduced under subparagraph (B) that was not reallocated under clause (ii); unless the harvesting of the fish covered by the allocation is otherwise prohibited under this Act.

"(iv) The Secretary may refund or credit, by reason of reduction of any allocation under this paragraph, any fee paid under section 204.

16 USC 1824.

"(D) If the certification of a foreign country is not terminated under section 8(d) of the Fishermen's Protective Act of 1967 before the close of the last day of the remedial period, the Secretary of State—

"(i) with respect to any allocation made to that country and in effect (as reduced under subparagraph (B)) on such last day, shall rescind, effective on and after the day after such last day, any harvested portion of such allocation; and

"(ii) may not thereafter make any allocation to that country under paragraph (1) until the certification is terminated.".

(b) Section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) by amending subsection (a) by redesignating paragraph (3) as paragraph (4), and by inserting immediately after paragraph (2) the following new paragraph:

"(3) In administering this subsection, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall—

"(A) periodically monitor the activities of foreign nationals that may affect the international programs referred to in paragraphs (1) and (2);

"(B) promptly investigate any activity by foreign nationals that, in the opinion of the Secretary, may be cause for certification under paragraph (1) or (2); and

"(C) promptly conclude; and reach a decision with respect to; any investigation commenced under subparagraph (B).".

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by adding immediately after subsection (c) the following new subsection:

"(d) After making a certification to the President under subsection (a), the Secretary of Commerce or the Secretary of the Interior, as the case may be, shall periodically review the activities of the nationals of the offending country to determine if the reasons for which the certification was made no longer prevail. Upon determining that such reasons no longer prevail, the Secretary concerned shall terminate the certification and publish notice thereof, together with a statement of the facts on which such determination is based, in the Federal Register.".

Publication in Federal Register.

SEC. 4. Notwithstanding the provisions of section 4132 of the Revised Statutes of the United States (46 U.S.C. 11), or any other provision of law, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Widow Maker, owned by Strohe Brothers of Lake Charles, Louisiana, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwide trade and the fisheries so long as such vessel is owned by a citizen of the United States.

Widow Maker, documentation.

Approved August 15, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-170 accompanying H.R. 1798 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-72 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Apr. 30, considered and passed Senate.
  June 25, H.R. 1798 considered and passed House; passage vacated and S. 917, amended, passed in lieu.
  Aug. 1, Senate concurred in House amendment; action vitiated and Senate concurred in House amendment with an amendment.
  Aug. 2, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 33:
  Aug. 15, Presidential statement.

Public Law 96-62
96th Congress

Joint Resolution

Sept. 6, 1979
[H.J. Res. 244]

To authorize and request the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as National Grandparents Day.

National Grandparents Day.
Designation authorization.
36 USC 142b.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first Sunday of September after Labor Day as "National Grandparents Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

Approved September 6, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
July 27, considered and passed House.
Aug. 3, considered and passed Senate.

Public Law 96-63
96th Congress

An Act

To extend for three fiscal years the authorizations for appropriations under the Safe Drinking Water Act.

Sept. 6, 1979
[S. 1146]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe Drinking Water Act, appropriations authorizations, extension.

SECTION 1. (a) The first sentence of subsection (e) of section 1442 of the Public Health Service Act (42 U.S.C. 300j-1(e)) is amended by striking out "; and" and substituting a semicolon and by inserting the following before the period at the end thereof: "; $21,405,000 for the fiscal year ending September 30, 1980; $30,000,000 for the fiscal year ending September 30, 1981; and $35,000,000 for the fiscal year ending September 30, 1982".

(b) The second sentence of such subsection (e) is amended by striking out "and 1979" and substituting "through 1982".

SEC. 2. (a) Paragraph (7) of subsection (a) of section 1443 of the Public Health Service Act (42 U.S.C. 300j-2(a)(7)) is amended by striking out "and" and by inserting the following before the period at the end thereof: ", $29,450,000 for the fiscal year ending September 30, 1980, $32,000,000 for the fiscal year ending September 30, 1981, and $34,000,000 for the fiscal year ending September 30, 1982".

(b) Paragraph (5) of subsection (b) of such section is amended by striking out "and $10,000,000" and substituting "$10,000,000" and by inserting the following before the period at the end thereof: ", $7,795,000 for the fiscal year ending September 30, 1980, $18,000,000 for the fiscal year ending September 30, 1981, and $21,000,000 for the fiscal year ending September 30, 1982".

SEC. 3. Paragraph (2) of subsection (f) of section 1441 of the Public Health Service Act (42 U.S.C. 300j(f)) is amended by striking out "1979" and substituting "1982".

Approved September 6, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-186 accompanying H.R. 3509 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-161 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 22, considered and passed Senate.
  July 30, H.R. 3509 considered and passed House; passage vacated and S. 1146, amended, passed in lieu.
  Aug. 3, Senate agreed to House amendments.

Public Law 96-64
96th Congress

An Act

Sept. 14, 1979
[S. 1646]

To amend the International Banking Act of 1978 (Public Law 95-369) to extend the time for foreign banks to obtain required deposit insurance with respect to existing branches in the United States.

International Banking Act of 1978, amendment. Time extension. 12 USC 3104.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(b) of the International Banking Act of 1978 (Public Law 95-369) is amended by the addition of the following new paragraph:

12 USC 1815.

"Notwithstanding the previous paragraph, a branch of a foreign bank in operation on the date of enactment of this Act which has applied for Federal deposit insurance pursuant to section 5 of the Federal Deposit Insurance Act by September 17, 1979, and has not had such application denied, may continue to accept domestic retail deposits until January 31, 1980.".

Approved September 14, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-301 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 6, considered and passed Senate.
Sept. 7, considered and passed House.

Public Law 96-65
96th Congress

Joint Resolution

To authorize and request the President to proclaim the week of September 16 through 22, 1979, as "National Meals on Wheels Week".

Sept. 19, 1979
[H.J. Res. 367]

Whereas, visiting nurses appealed for help to prevent further health breakdown and hospital admissions of several aged patients who were living on grossly inadequate diets; and

Whereas with the delivery of meals beginning in 1954, a new and progressive step in the care of the aged evolved which resulted in maintaining a number of elderly people as free and independent souls living at home instead of in an institution; and

Whereas over one hundred thousand well-balanced meals are delivered daily to aged and ailing people across the Nation to the end that they are happier, more vigorous, and better adjusted individuals; and

Whereas the delivery of meals originated on a volunteer basis in the private sector, has great merit as a direct service to the people, and bears witness to social and economic needs of many of our older citizens: Now, therefore, be it

National Meals on Wheels Week. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the selfless service performed, the President is hereby authorized and requested to issue a proclamation designating the week of September 16 through 22, 1979, as "National Meals on Wheels Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such same week with appropriate ceremonies and activities.

Approved September 19, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT: No. 96-318 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Aug. 2, considered and passed House.
Sept. 14, considered and passed Senate.

Public Law 96-66
96th Congress

An Act

Sept. 21, 1979
[H.R. 2774]

To authorize appropriations for fiscal years 1980 and 1981 under the Arms Control and Disarmament Act, and for other purposes.

Arms Control and Disarmament Act, amendment.
Service, restriction.
Service, restriction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 22 of the Arms Control and Disarmament Act (22 U.S.C. 2562) is amended by adding at the end thereof a new sentence as follows: "No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.".

(b) Section 23 of such Act (22 U.S.C. 2563) is amended by adding at the end thereof a new sentence as follows: "No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.".

Appropriation authorization.

SEC. 2. (a) Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1980, $18,876,000, and

"(2) for the fiscal year 1981, $20,645,000,

and such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection are authorized to remain available until expended.".

Effective date.
22 USC 2589 note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

Approved September 21, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-47 (Comm. on Foreign Affairs) and No. 96-412 (Comm. of Conference).
SENATE REPORT No. 96-95 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Mar. 22, considered and passed House.
May 1, considered and passed Senate, amended.
Sept. 7, House agreed to conference report.
Sept. 11, Senate agreed to conference report.

Public Law 96-67
96th Congress

An Act

To amend the International Development and Food Assistance Act of 1978 and the Foreign Assistance and Related Programs Appropriations Act, 1979 by striking out certain prohibitions relating to Uganda, and for other purposes.

Sept. 21, 1979
[S. 1019]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the International Development and Food Assistance Act of 1978 (Public Law 95-424) is amended—

(1) in the section heading of section 602, by striking out "UGANDA,"; and

(2) in section 602, by striking out "Uganda,".

International Development and Food Assistance Act of 1978, amendment.
92 Stat. 960.
22 USC 2151 note.
92 Stat. 1596.

(b) Section 108 of the Foreign Assistance and Related Programs Appropriations Act, 1979 (Public Law 95-481), is amended by striking out all that follows after "*Provided, however,*" and inserting in lieu thereof the following: "That such prohibition with respect to Uganda shall apply only to funds appropriated or otherwise made available pursuant to this Act to carry out the Arms Export Control Act or part II of the Foreign Assistance Act of 1961 (other than funds appropriated or otherwise made available to carry out chapter 4 of part II of such Act).".

22 USC 2751 note.
22 USC 2161.

SEC. 2. (a) Subsection (a) and subsections (c) through (e) of section 5 of the Act entitled "An Act to amend the Bretton Woods Agreements Act to authorize the United States to participate in the Supplementary Financing Facility of the International Monetary Fund", approved on October 10, 1978 (Public Law 95-435), are repealed.

92 Stat. 1052.
22 USC 2151 note.

(b) Subsection (m) of section 4 of the Export Administration Act of 1969 (as added by section 5(d) of the Act entitled "An Act to amend the Bretton Woods Agreements Act to authorize the United States to participate in the Supplementary Financing Facility of the International Monetary Fund", approved on October 10, 1978 (Public Law 95-435)) is repealed.

50 USC app. 2403.

Approved September 21, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-395 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- May 7, considered and passed Senate.
- May 21, H.R. 3897 passed House; proceedings vacated and S. 1019, amended, passed in lieu.
- Sept. 7, House agreed to conference report.
- Sept. 11, Senate agreed to conference report.

Public Law 96-68
96th Congress

An Act

Sept. 24, 1979
[H.R. 4392]

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1980, and for other purposes.

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1980.
Department of State Appropriation Act, 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1980, and for other purposes, namely:

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; acquisition by exchange or purchase of vehicles as authorized by law, except that right-hand drive and security vehicles may be purchased without regard to any price limitation otherwise established by law and except that chief of mission vehicles may be replaced at a cost not to exceed $6,500; $709,011,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), $3,090,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

22 USC 292-301.

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-300), $64,000,000, to remain available until expended.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $18,150,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), $2,350,000.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14) for fiscal year 1980, $5,954,000. 22 USC 3301 note.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $43,369,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $411,500,000.

22 USC 269a, 269b, 269f, 269g-1, 269h, 272a, 273-276, 279a, 280b, 280i, 280k, 287e, 287r, 290b, 1896b, 1928, 1928b, 2673 notes.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces in the Middle East, $67,000,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by section 17 of the Act of August 1, 1956, as amended (22 U.S.C. 2669); $13,800,000. 22 USC 2687.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the Act of August 1, 1956, as amended (22 U.S.C. 2669), contributions for the United States share of general expenses of international organizations, and personal services without regard to civil service and classification laws, $6,700,000, to remain available until expended, of which not to exceed $200,000 may be expended for representation and for official entertainment, as authorized by law. 22 USC 2672.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

22 USC 277 note.

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

For salaries and expenses, not otherwise provided for, including examination, preliminary surveys, and investigations, and operation and maintenance of projects, $7,700,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State.

For detailed plan preparation and construction of authorized projects, to remain available until expended, $8,200,000.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $3,200,000: for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; not to exceed $2,500 for representation and official entertainment; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and existing treaties between the United States and Great Britain and Canada.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $7,500,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

OTHER

UNITED STATES-YUGOSLAVIA BILATERAL SCIENCE AND TECHNOLOGY AGREEMENT

For expenses, not otherwise provided for, to enable the United States to participate in a program of scientific and technological cooperation with Yugoslavia, $500,000, to remain available until expended.

General Provisions—Department of State

Sec. 101. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

Sec. 102. Funds appropriated under this title shall be available for expenses of binational arbitrations arising under treaties or other international agreements, including international air transport agreements, and arbitrations arising under contracts authorized by law for the performance of services or acquisition of property abroad.

Sec. 103. Funds appropriated under this title shall be available, except as otherwise provided, for salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; services as authorized by 5 U.S.C. 3109; expenses as authorized by section 2 (a), (c) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); and hire of passenger or freight transportation.

This title may be cited as the "Department of State Appropriation Act, 1980". Citation of title.

TITLE II—DEPARTMENT OF JUSTICE

Department of Justice Appropriation Act, 1980.

General Administration

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $32,500,000, of which $1,700,000, to remain available until expended, is for the Federal justice research program: *Provided,* That the Attorney General has the authority to make such provisions as are necessary and appropriate for the efficient and effective administration of funds included herein for State and local drug strike forces.

United States Parole Commission

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $5,500,000.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; and not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; $106,267,000: *Provided,* That not to exceed $105,000 may be transferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, $43,544,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including lease of not more than 1,200 passenger motor vehicles from the General Services Administration, of which not more than 750 shall be for police-type use, $232,915,000.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $21,800,000.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; $27,000,000.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $4,925,000. 42 USC 2000g.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand two hundred for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $584,408,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed three hundred fifty-eight which shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; $318,465,000, of which not to exceed $400,000 shall remain available for such research until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed three hundred seventy-five passenger motor vehicles (for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; acquisition, lease, maintenance, and operation of aircraft; $193,836,000, of which not to exceed $1,200,000 for research shall remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed thirty-nine of which twenty-seven are for replacement only) and hire of law enforcement and passenger motor vehicles; $321,500,000: *Provided*, That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

42 USC 250a.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, $9,884,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $5,960,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,062,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $2,904,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

Office of Justice Assistance, Research, and Statistics

LAW ENFORCEMENT ASSISTANCE

Post, p. 1167.

42 USC 5611.

For grants, contracts, cooperative agreements, and other assistance authorized by the Law Enforcement Assistance Reform Act of 1979, or similar legislation, and title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and other expenses in connection therewith, $442,695,000, to remain available until expended: *Provided*, That $342,695,000 of said amount shall be available only upon enactment of the Law Enforcement Assistance Reform Act of 1979, or similar legislation.

RESEARCH AND STATISTICS

For research, development, demonstration, statistical and related efforts directed towards the improvement of civil, criminal and juvenile justice systems authorized by the Law Enforcement Assistance Reform Act of 1979, or similar legislation, including salaries and other expenses, in connection therewith, $43,768,000, to remain available until expended: *Provided*, That these funds shall be available only upon enactment of the Law Enforcement Assistance Reform Act of 1979, or similar legislation.

General Provisions—Department of Justice

Sec. 201. Appropriations for "Salaries and expenses, general administration", "Salaries and expenses, United States attorneys and marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 202. A total of not to exceed $25,000 from funds appropriated to the Department of Justice shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

This title may be cited as the "Department of Justice Appropriation Act, 1980".

Citation of title.

TITLE III—DEPARTMENT OF COMMERCE

Department of Commerce Appropriation Act, 1980.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed $2,000 for official entertainment, $27,375,000, of which $2,000,000 shall be available for the Secretary's Special Initiatives Fund.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $52,090,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs, provided for by law; $604,900,000, to remain available until expended: *Provided,* That certain enumerators for the 1980 Decennial Census may be paid on a piece rate basis without regard to the provisions of 29 U.S.C. 206 and 207.

None of the funds made available to the Bureau of the Census under this Act may be expended for prosecution of any person for the failure to return 1978 Agricultural Census forms 78-A40A or 78-A40B, or 78-A40C or 78-A40D, or for the preparation of similar forms for any future agricultural census.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $17,875,000.

INDUSTRY AND TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for domestic and international business activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 501, 3702, and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; purchase of commercial and trade reports; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; and not to exceed $4,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1969, as amended, and as authorized by 22 U.S.C. 401(b); $77,670,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out the programs concerned with international business activities.

50 USC 2401 note.

MINORITY BUSINESS ENTERPRISE

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts or other agreements with public or private organizations, $58,689,000, of which $44,400,000 shall remain available until expended: *Provided,* That not to exceed $14,289,000 shall be available for program development and management.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Travel Service as provided for by law; including employment of aliens by contract for service abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $5,000 for representation expenses abroad; $8,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $702,350,000, to remain available until expended, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands Fund; and, in addition, $5,000,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries".

33 USC 851.

COASTAL ZONE MANAGEMENT

For carrying out the provisions of Public Law 92-583, as amended, and section 202 of title II and title III of Public Law 92-532, as amended, $64,675,000, to remain available until expended. 16 USC 1451 note. 16 USC 1402, 1431-1434.

COASTAL ENERGY IMPACT FUND

Obligations under the Coastal Energy Impact Fund for payments pursuant to subsections 308 (c), (d), and (f) of the Coastal Zone Management Act of 1972, as amended, shall not exceed $163,863,000. 16 USC 1456a.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, there are appropriated not to exceed $3,500,000 from the receipts collected pursuant to that Act, to remain available until expended. 92 Stat. 715.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, there are appropriated not to exceed $600,000 from the receipts collected pursuant to that Act, to remain available until expended. 43 USC 1841.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, $99,672,000.

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, including the acquisition of buildings, grounds, and other facilities; the National Technical Information Service; and the Office of Environmental Affairs; $96,528,000, to remain available until expended, of which not to exceed $5,238,000 may be transferred to the "Working Capital Fund", National Bureau of Standards, for additional capital and not to exceed $200,000 may be used for construction and installation of improvements to existing National Bureau of Standards buildings.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,305,000, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $23,705,000, to remain available until expended. 47 USC 392.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy incident to construction, reconstruction, and reconditioning of ships and acquisition of used ships under title V of the Merchant Marine Act, 1936, as amended; 46 USC 1151. and for the cost of national defense features on ships, $101,000,000, to remain available until expended.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $256,208,000, to remain available until expended. 46 USC 1245.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, $16,300,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, including not to exceed $2,500 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $2,500 for representation allowances; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; $64,622,000 to remain available until expended: *Provided,* That reimbursement may be made to this appropriation for expenses in support of activities for National Maritime Research Centers financed from the appropriation for "Research and development": *Provided further,* That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from 46 USC 1245. the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

General Provisions—Department of Commerce

Sec. 301. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

Sec. 302. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

Sec. 303. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

Sec. 304. No part of any appropriation contained in this title shall be obligated or expended for promoting or conducting trade relations with Cuba.

This title may be cited as the "Department of Commerce Appropriation Act, 1980".

Citation of title.

TITLE IV—THE JUDICIARY

Judiciary Appropriation Act, 1980.

Supreme Court of the United States

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice, hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $10,250,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $2,157,000, of which $750,000 shall remain available until expended.

Court of Customs and Patent Appeals

SALARIES AND EXPENSES

For salaries of the chief judge, associate judges, and other officers and employees, and for all necessary expenses of the court, $1,719,000.

Customs Court

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; $4,850,000: *Provided,* That travel expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

Court of Claims

SALARIES AND EXPENSES

For salaries of the chief judge, associate judges, and other officers and employees, and for all necessary expenses of the court, $5,230,000.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, Guam, and the Northern Mariana Islands); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; $48,500,000.

SALARIES OF SUPPORTING PERSONNEL

28 USC 604 note.

5 USC 5101.

3 CFR 1978 Comp., p. 236.

5 USC 5332 note.

5 USC 5301.

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $195,700,000: *Provided,* That the salaries of secretaries and law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 11 and grade (GS) 13, respectively: *Provided further,* That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, post differential and allowances for employees stationed outside the continental United States and in Alaska and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $101,162 and $65,979 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $120,425 and $81,899 per annum, respectively: *Provided further,* That the chief judge of each circuit may appoint a senior staff attorney to the court at a rate of compensation not to exceed General Schedule grade (GS) 15, without regard to the limitations referred to above.

3 CFR 1978 Comp., p. 236.

5 USC 5332 note.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law, $26,000,000 to remain available until expended.

18 USC 3006A note.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; $34,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

28 USC app.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, $37,800,000.

SALARIES AND EXPENSES OF MAGISTRATES

For compensation and expenses of United States Magistrates, including secretarial and clerical assistance, as authorized by 28 U.S.C. 634-635, $22,000,000.

BANKRUPTCY COURTS, SALARIES AND EXPENSES

For salaries and expenses of the judges and other officers and employees of the Bankruptcy Courts of the United States, not otherwise provided for, $58,500,000.

SERVICES FOR DRUG DEPENDENT OFFENDERS

For contractual services and expenses relating to the supervision of drug dependent offenders, as authorized by Public Law 95-537, $3,500,000.

18 USC 3651 note.

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities, including the procurement, transportation, and installation of furniture and furnishings for the United States Courts of Appeals, District Courts, and Bankruptcy Courts, $117,500,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, $15,100,000.

Federal Judicial Center

SALARIES AND EXPENSES

28 USC 620.

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $8,500,000.

General Provisions—The Judiciary

Sec. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 402. Not to exceed $120,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

Sec. 403. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210. 12 USC 1904 note.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act, 1980".

TITLE V—RELATED AGENCIES

Arms Control and Disarmament Agency

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $16,500 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $18,270,000.

Board for International Broadcasting

GRANTS AND EXPENSES

22 USC 2877.

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $84,470,000, of which $3,250,000, to remain available until expended, shall be available only for fluctuations in foreign currency exchange rates in accordance with the provisions of section 8 of the Board for International Broadcasting Act of 1973, as amended: *Provided,* That not to exceed $52,000 shall be available for official reception and representation expenses.

Commission on Civil Rights

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,230,000.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

22 USC 3001 *et seq.*

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $264,000, to remain available until expended: *Provided,* That not to exceed $6,000 of such amount shall be available for official reception and representation expenses.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $15,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended; $119,000,000.

42 USC 2000e.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $325,000 for land and structures; not to exceed $65,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed eighteen for replacement only) and hire of motor vehicles; the rental of space in the District of Columbia and elsewhere; special counsel fees; and services as authorized by 5 U.S.C. 3109; $72,535,000 and, in addition, an amount equivalent to funds deposited into the General Fund of the Treasury by the State of Florida as a result of the expense of construction and relocation of the Fort Lauderdale Monitoring Station: *Provided,* That not to exceed $500,000 of the foregoing amount shall remain available until September 30, 1981 for research and policy studies.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; $11,175,000: *Provided,* That not to exceed $1,500 shall be available for official reception and representation expenses.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of proper-

22 USC 1131.

ties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $1,030,000, to be derived by transfer from the account entitled "Payment of Vietnam Prisoners of War Claims".

INTERNATIONAL COMMUNICATION AGENCY

SALARIES AND EXPENSES

5 USC app.
22 USC 1461 note.

For expenses, not otherwise provided for, necessary to enable the International Communication Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to the civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1159), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5925; and entertainment, including official receptions, within the United States not to exceed $8,000; $396,010,000, of which not to exceed $3,654,600 of the amounts allocated by the International Communication Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed $460,000 may be used for representation abroad.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the International Communication Agency, as authorized by law, $13,012,000, to remain available until expended.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

22 USC 2054 note.

5 USC 5332 note.

To enable the Director of the International Communication Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $14,667,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio transmission and reception, $2,400,000, to remain available until expended.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $15,130,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,500,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of $1,200,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: *Provided,* That not to exceed a total of $2,500 of such amounts shall be available for official reception and representation expenses.

22 USC 2901 note.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $300,000,000: *Provided,* That no part of this appropriation shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress or any State Legislature: *Provided further,* That none of the funds appropriated in this title may be used to carry out any activities for or on behalf of any individual who is known to be an alien in the United States in violation of the Immigration and Nationality Act or any other law, convention, or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens: *Provided further,* That none of the funds contained in this paragraph shall be used to increase funds allocated to programs serving those areas of the country already funded at the minimum access level or to activities directly administered by the Corporation unless minimum access to civil legal assistance is available or provided in all parts of the country.

42 USC 2996 note.

8 USC 1101 note.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended $940,000. 16 USC 1401.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Office of the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $4,000,000: *Provided,* That not to exceed $20,000 shall be available for official reception and representation expenses.

PRESIDENTIAL COMMISSION ON WORLD HUNGER

SALARIES AND EXPENSES

For necessary expenses of the Presidential Commission on World Hunger, including services as authorized by 5 U.S.C. 3109, $975,000, to be available only until June 30, 1980.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $68,986,000.

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

SALARIES AND EXPENSES

8 USC 1151 note.

For expenses, not otherwise provided for, necessary for the administration of the provisions of Public Law 95-412 which establishes a Select Commission on Immigration and Refugee Policy, $1,600,000, to remain available until expended.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including purchase of one motor vehicle for replacement only, and hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $182,300,000, and in addition $11,650,000 for disaster loan making activities shall be transferred to this appropriation from the "Disaster Loan Fund" and $5,000,000 for disaster loan servicing, as compensation for 275 temporary or permanent full time employees, shall be transferred to this appropriation from such "Disaster Loan Fund".

REVOLVING FUNDS

31 USC 849.

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund", the "Pollution control equipment contract guarantees revolving fund" and the "Surety bond guarantees revolving fund".

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $565,000,000, to remain available without fiscal year limitation. 15 USC 633.

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund", authorized by the Small Business Act, as amended, $60,000,000, to remain available without fiscal year limitation.

LEASE GUARANTEES REVOLVING FUND

For additional capital for the "Lease Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $4,000,000, to remain available without fiscal year limitation. 15 USC 694.

UNITED STATES METRIC BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Metric Conversion Act of 1975 (15 U.S.C. 205), $2,474,000.

TITLE VI—GENERAL PROVISIONS

Publicity or propaganda.

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Foreign currency funded programs.

SEC. 602. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Fiscal year limitation.

SEC. 603. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 604. None of the funds appropriated or otherwise made available by this Act shall be available for the Advisory Committee on the Bureau of the Census or for any other advisory committee to the Department of Commerce which would perform similar duties and responsibilities, other than a committee which has, before July 1, 1978, filed a charter in accordance with section 9 of the Federal Advisory Committee Act. 5 USC app.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS, 1979

For additional amounts for the fiscal year 1979 to be immediately available, as follows:

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States attorneys and marshals", $2,835,000, of which $2,000,000 shall be derived by transfer from "Support of United States prisoners" and $835,000 shall be derived by transfer from "Fees and expenses of witnesses".

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1980".

Approved September 24, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-247 (Comm. on Appropriations) and No. 96-402 (Comm. of Conference).
SENATE REPORT No. 96-251 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- July 12, considered and passed House.
- July 24, considered and passed Senate, amended.
- Aug. 2, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments, and disagreed to Senate amendment No. 26.
- Sept. 10, Senate agreed to conference report; resolved amendments in disagreement.

Public Law 96-69
96th Congress

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1980, and for other purposes.

Sept. 25, 1979
[H.R. 4388]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980, for energy and water development, and for other purposes, namely:

Energy and Water Development Appropriation Act, 1980.

TITLE I—DEPARTMENT OF ENERGY

OPERATING EXPENSES

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For operating expenses of the Department of Energy necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $2,048,523,000, to remain available until expended.

42 USC 7101 note.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For operating expenses of the Department of Energy necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $60,523,000 and any moneys received from the enrichment of uranium as authorized by section 111(h) of Public Law 93-438, as amended, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended.

42 USC 5821.

The anticipated revenues from Uranium Enrichment Activities for the fiscal year and authorized to be retained by Public Law 93-438 shall be deemed to have been appropriated to the Department for purposes of 31 U.S.C. 665.

42 USC 5801 note.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For operating expenses of the Department of Energy necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $336,900,000, to remain available until expended.

42 USC 7101 note.

ATOMIC ENERGY DEFENSE ACTIVITIES

For operating expenses of the Department of Energy necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), $2,371,147,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles; official entertainment expenses (not to exceed $35,000); $228,279,000, of which $6,165,000 shall be for the Office of Inspector General, and any moneys received as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended.

42 USC 5821.

PLANT AND CAPITAL EQUIPMENT

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 113 of which 104 are for replacement only) including 10 police-type vehicles; $448,478,000, to remain available until expended.

42 USC 7101 note.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 20 for replacement only); $4,000,000 and any money received from the enrichment of uranium as authorized by section 111(h) of Public Law 93-438, as amended, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended.

42 USC 5821.

The anticipated revenues from Uranium Enrichment Activities for the fiscal year and authorized to be retained by Public Law 93-438 shall be deemed to have been appropriated to the Department for purposes of 31 U.S.C 665.

42 USC 5801 note.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 9 for replacement only); $135,000,000, to remain available until expended.

42 USC 7101 note.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy in connection with the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 264 of which 254 are for replacement only) including 3 police-type vehicles; $588,249,000, to remain available until expended. 42 USC 7101 note.

DEPARTMENTAL ADMINISTRATION

For expenses of the Department of Energy necessary for departmental administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, or for the purchase, construction or acquisition of capital equipment and other expenses incidental thereto, $36,015,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, and for necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $2,660,000, to remain available until expended: *Provided*, That $20,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565). 16 USC 661 note.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed $1,000. 16 USC 838i.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,400,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed one passenger motor vehicle for replacement only, $32,180,000, to remain available until expended.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

42 USC 7152.

For carrying out the functions authorized by title III, section 302(a) of the Act of August 4, 1977 (Public Law 95-91), and for operation and maintenance of electric power transmission facilities, and power marketing including purchase power and wheeling, as authorized by law, including the purchase of passenger motor vehicles (not to exceed 7 of which 5 are for replacement only); including the purchase of 3 helicopters (of which 2 are for replacement only), $122,800,000, to remain available until expended, of which $107,400,000 shall be derived from the Department of the Interior Reclamation Fund.

Colorado River Basins Power Marketing Fund, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a) of the Act of August 4, 1977 (Public Law 95-91), for the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956, as amended (43 U.S.C. 620d), $5,152,000, to remain available until expended.

Emergency Fund, Western Area Power Administration

For the "Emergency Fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in that Act, $200,000, to be derived from the Department of the Interior Reclamation Fund.

FEDERAL ENERGY REGULATORY COMMISSION

Salaries and Expenses

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, $67,187,000.

42 USC 7101 note.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

Loan Guarantee and Interest Assistance Program

30 USC 1101 note.

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $181,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed shall not exceed the aggregate of $350,000,000: *Provided further*, That after September 2, 1984, no part of this or any other appropriation for the purpose of the Loan Guarantee and Interest Assistance Program shall be available for obligation.

(TRANSFER OF FUNDS)

The unexpended balances of prior appropriations provided for activities covered in this title may be transferred to a new appropriation account established pursuant to this title. Balances so transferred may be merged with funds in the applicable newly established account and thereafter may be accounted for as one fund for the same time period as originally enacted.

(TRANSFER OF FUNDS)

Not to exceed $9,500,000 of the funds made available in the Plant and Capital Equipment appropriation for Energy Supply, Research and Development, for Project 79-9-B, Energy Saver, FERMI National Accelerator Laboratory, Batavia, Illinois, may be transferred to Operating Expenses, Energy Supply, Research and Development for the purpose of resolving technical difficulties which have arisen on that project.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

Motor vehicles, aircraft.

SEC. 101. Appropriations to the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in this Act. The Secretary is authorized to accept lands, buildings, equipment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State or private.

Contributions, acceptance.

Waste Isolation Pilot Plant, Delaware Basin, Southeast N. Mex.

SEC. 102. None of the funds appropriated for Department of Energy activities by this Act shall be available for any purpose related to the obtaining or issuing of a license to operate the Waste Isolation Pilot Plant, Delaware Basin, Southeast New Mexico (Project 77-13-f), or for any purpose related to the storage at such plant of radioactive waste not resulting from the national defense activities of the Department of Energy.

SEC. 103. None of the funds appropriated for Department of Energy activities by this Act shall be used to pay expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Proposed appropriation transfers, limitation; submittal to congressional committees.

SEC. 104. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Energy Supply, Research and Development Activities; Uranium Supply and Enrichment Activities; General Science and Research Activities; Atomic Energy Defense Activities; and Departmental Administration Activities may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations and the appropriate authorizing committees of the House and Senate for approval.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

River and harbor, flood control, shore protection, study.

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $142,145,000, to remain available until expended: *Provided*, That none of the funds made available in this paragraph shall be obligated or expended for the study of Diversion of Lake Michigan Water at Chicago, if such study shall provoke or threaten to provoke flood waters throughout the Illinois Waterway or would result in adverse diminution of generation at hydroelectric facilities on the Niagara or St. Lawrence Rivers: *Provided further*, That none of the funds made available in this paragraph shall be obligated or expended to discharge sewage overflow from the Metropolitan Sanitary District of Greater Chicago into the Illinois Waterway.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,467,566,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $210,515,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District engineer and the State Conservationist: *Provided further*, That not to exceed $300,000 shall be available to reimburse landowners for damage from dredge spoil placed on their land, which greatly exceeded representations, for which they received no compensation.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; $848,500,000, to remain available until expended.

REVOLVING FUND

For the design and construction of hopper dredges, $50,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; $73,200,000.

SPECIAL RECREATION USE FEES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $4,000,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l).

16 USC 460*l*-4 note.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 220, of which 200 shall be for replacement only) and hire of passenger motor vehicles: *Provided,* That the total accrued expenditures of the capital investment program of the revolving fund shall not exceed $115,000,000 in fiscal year 1980.

GENERAL PROVISION

SEC. 201. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title without the prior approval of the Committees on Appropriations.

TITLE III—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

43 USC 371 note.

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $34,451,000, to be derived from the reclamation fund: *Provided,* That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities for reclamation use) and for other related activities, as authorized by law to remain available until expended, $213,053,000, of which $60,000,000 shall be derived from the reclamation fund: *Provided,* That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That of the amount herein appropriated not to exceed $344,000 for the Central Oregon Irrigation District shall be available for construction on a rehabilitation and betterment program under the Act of October 7, 1949 (63 Stat. 724), as amended, to be repaid in full under conditions satisfactory to the Secretary of the Interior: *Provided further,* That currently unobligated funds from appropriations made under this heading for payment of Teton Dam disaster claims shall be available to pay costs to irrigation spaceholder contracting entities for American Falls Dam pursuant to section 7, Reclamation Safety of Dams Act (Public Law 95-578), and shall be nonreimbursable in accordance with the terms of that Act.

San Luis Unit interceptor drain.

Central Oregon Irrigation District.

43 USC 504.

92 Stat. 2472.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956, as amended (43 U.S.C. 620d), to remain available until expended, $73,203,000, of which $61,177,000, shall be available for the "Upper Colorado River Basin Fund" authorized by section 5 of said Act of April 11, 1956, and $12,026,000 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument. 43 USC 620d.

COLORADO RIVER BASIN PROJECT

For advances to the Lower Colorado River Basin Development Fund, as authorized by section 403 of the Act of September 30, 1968 (82 Stat. 894), for the construction, operation, and maintenance of projects authorized by title III of said Act, to remain available until expended, $94,217,000. 43 USC 1543. 43 USC 1521.

COLORADO RIVER BASIN SALINITY CONTROL PROJECTS

For construction of projects authorized by the Act of June 24, 1974 (Public Law 93-320), to remain available until expended, $34,761,000. 43 USC 1571 note.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, $100,653,000, of which $78,000,000 shall be derived from the reclamation fund and $8,448,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a–422k), including expenses necessary for carrying out the program, $29,603,000, to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197). 43 USC 422a–422k-1. 43 USC 421a–421h. 43 USC 388.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, $27,400,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

Transfer of funds.

Sums herein referred to as being derived from the Reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a) respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

58 Stat. 463.

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles of which 13 shall be for replacement only (including one for law enforcement use); payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for services as authorized by 5 U.S.C. 3109, in total not to exceed $300,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

43 USC 377a.

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Construction and rehabilitation funds, limitation.

Not to exceed $225,000 may be expended from the appropriation "Construction and Rehabilitation" for work by force account on any one project or Pick-Sloan Missouri Basin Program unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and Rehabilitation" contained in this Act, shall be available for construction work by force account: *Provided,* That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

43 USC 504.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Emergency reconstruction.

SEC. 301. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Appropriation expenditure or transfer of appropriation, authorization.

SEC. 302. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Operation of warehouses, garages, shops, and similar facilities.

SEC. 303. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Aircraft and motor vehicles for hire, maintenance and operation.

SEC. 304. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

16 USC 835 note.

SEC. 305. Notwithstanding the provisions of the Act of October 1, 1962 (76 Stat. 677), the Secretary of the Interior, in the development of the irrigation lands located in block 26 of the Columbia Basin project, Washington, shall take such action as may be necessary to assure that the per acre repayment obligation shall be the same as those set forth in repayment contract 11 R 1444, dated October 9, 1945, as amended, between the United States of America and the South Columbia Basin Irrigation District, but in no case shall such per acre repayment obligation exceed $131.60.

TITLE IV—INDEPENDENT AGENCIES

Appalachian Regional Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $2,990,000.

Funds Appropriated to the President

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

40 USC app. 1.
40 USC app. 105.

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, $356,500,000, of which $229,000,000 shall be available for the Appalachian Development Highway System.

Delaware River Basin Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $107,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $257,000.

Interstate Commission on the Potomac River Basin

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

33 USC 567b.
33 USC 567b-1.

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $55,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed $12,500); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; $363,340,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 U.S.C. 484, and shall remain available until expended: *Provided further*, That 731 personnel positions shall be allocated exclusively to the Office of Nuclear Reactor Regulation to carry out those responsibilities authorized by law.

42 USC 5801 note.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $104,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1530, 1531), $210,000.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $148,677,000, to remain available until expended: *Provided*, That notwithstanding the provisions of 16 U.S.C., chapter 35 or any other law, the Corporation is authorized and directed to complete construction, operate and maintain the Tellico Dam and Reservoir project for navigation, flood

16 USC 831 *et seq.*

16 USC 1531 *et seq.*

control, electric power generation and other purposes, including the maintenance of a normal summer reservoir pool of 813 feet above sea level.

Water Resources Council

WATER RESOURCES PLANNING

For the Water Resources Council for expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962-1962d-3), as amended, including services as authorized by 5 U.S.C. 3109 and 42 U.S.C. 1962a-4(5), and hire of passenger motor vehicles (42 U.S.C. 1962a-4(6)), $34,614,000, including $2,788,000, for expenses in administering the Act (42 U.S.C. 1962d(b)), $3,112,000 for preparation of assessments and plans (42 U.S.C. 1962d(c)), $580,000 for preparation of plans (33 U.S.C. 1289), $3,134,000 for expenses of river basin commissions under title II of the Act (42 U.S.C. 1962d(a)), $21,000,000 for grants to States under title III of the Act (42 U.S.C. 1962c(a)), and $4,000,000 for Upper Mississippi Comprehensive Management Plan (42 U.S.C. b-3). None of the funds appropriated under this paragraph may be expended by the Water Resources Council for the review of—

19 USC 1962b-3 note.

(1) any preauthorization report or proposal, or

(2) any preconstruction plan,

for a Federal or federally assisted water resources project or program or a related land resources project or program unless funds for these purposes are authorized to be appropriated by Congress in a statute enacted after the date of enactment of this Act.

TITLE V—GENERAL PROVISION

Sec. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Appropriation authorization.

Sec. 502. There is appropriated, out of any money in the Treasury not otherwise appropriated, for an additional amount for "Construction of an Extension to the New Senate Office Building" $52,583,400 toward finishing such building and to remain available until expended: *Provided*, That the amount of $137,730,400 shall constitute a ceiling on the total cost for construction of the Extension to the New Senate Office Building.

40 USC 174b-1 note.

It is further provided that such building and office space therein upon completion shall meet all needs for personnel presently supplied by the Carroll Arms, the Senate Courts, the Plaza Hotel, the Capitol Hill Apartments and such buildings shall be vacated.

This Act may be cited as the "Energy and Water Development Appropriation Act, 1980". Short title.

Approved September 25, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-243 (Comm. on Appropriations) and No. 96-388 (Comm. of Conference).
SENATE REPORT No. 96-242 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- June 14, 15, 18, considered and passed House.
- July 17, 18, considered and passed Senate, amended.
- Aug. 1, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments, and insisted on its disagreement to Senate amendment No. 30.
- Sept. 10, Senate agreed to conference report; resolved amendments in disagreement.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 39:
- Sept. 25, Presidential statement.

Public Law 96-70
96th Congress

An Act

Sept. 27, 1979
[H.R. 111]

To provide for the operation and maintenance of the Panama Canal under the Panama Canal Treaty of 1977, and for other purposes.

Panama Canal Act of 1979.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

22 USC 3601 note.

SECTION 1. This Act may be cited as the "Panama Canal Act of 1979".

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STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide legislation necessary or desirable for the implementation of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and of the related agreements accompanying that Treaty. 22 USC 3601.

DEFINITIONS AND RECOMMENDATION FOR LEGISLATION

SEC. 3. (a) For purposes of this Act— 22 USC 3602.

(1) references to the Panama Canal Treaty of 1977 refer to the Panama Canal Treaty between the United States of America and the Republic of Panama, signed September 7, 1977; and

(2) references to the Panama Canal Treaty of 1977 and related agreements refer to the Panama Canal Treaty of 1977, the agreements relating to and implementing that Treaty, signed September 7, 1977, and the Agreement Between the United States of America and the Republic of Panama Concerning Air Traffic Control and Related Services, concluded January 8, 1979.

(b) Subject to the provisions of subsection (c) of this section, for purposes of applying the Canal Zone Code or other laws of the United States and regulations issued pursuant to such Code or other laws with respect to transactions, occurrences, or status on or after the effective date of this Act— 76A Stat. 1.

(1) "Canal Zone" shall be deemed to refer to the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements;

(2) "Canal Zone waters" and "waters of the Canal Zone" shall be deemed to refer to "Panama Canal waters" and "waters of the Panama Canal", respectively;

(3) "Government of the Canal Zone" or "Canal Zone Government" shall be deemed to refer to the United States of America;

(4) "Governor of the Canal Zone" or "Governor", wherever the reference is to the Governor of the Canal Zone, shall be deemed to refer to the Panama Canal Commission;

(5) "Panama Canal Company" or "Company", wherever the reference is to the Panama Canal Company, shall be deemed to refer to the Panama Canal Commission;

76A Stat. 353.

(6) in chapter 57 of title 5 of the Canal Zone Code, "hospitals" and "Health Bureau" shall be deemed to refer, respectively, to the hospitals operated by the United States in the Republic of Panama, and to the organizational unit operating such hospitals; and

76A Stat. 540.
76A Stat. 559.

(7) in chapter 57 of title 5 of the Canal Zone Code, in section 4784 of title 6 of such Code, and in section 2 of title 7 of such Code, "health director" shall be deemed to refer to the senior official in charge of the hospitals operated by the United States in the Republic of Panama.

(c) Any reference set forth in subsection (b) of this section shall apply except as otherwise provided in this Act or unless (1) such reference is inconsistent with the provisions of this Act, (2) in the context in which a term is used such reference is clearly not intended, or (3) a term refers to a time before the effective date of this Act.

Request for legislation; submittal to Congress.

(d) The President shall, within two years after the Panama Canal Treaty of 1977 enters into force, submit to the Congress a request for legislation which would—

(1) amend or repeal provisions of law which in their present form are applicable only during the transition period prescribed in Article XI of that Treaty,

(2) repeal the Canal Zone Code, and

(3) contain provisions considered necessary and appropriate in light of the experience as of that time under that Treaty.

TITLE I—ADMINISTRATION AND REGULATIONS

CHAPTER 1—PANAMA CANAL COMMISSION

ESTABLISHMENT OF COMMISSION

22 USC 3611.

SEC. 1101. There is established in the executive branch of the United States Government an agency to be known as the Panama Canal Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall, under the general supervision of the Board established by section 1102 of this Act, be responsible for the maintenance and operation of the Panama Canal and the facilities and appurtenances related thereto. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

SUPERVISORY BOARD

Membership.
22 USC 3612.

SEC. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members shall be nationals of the Republic of Panama. At least one of the members of the Board who are nationals of the United States shall be experienced and knowledgeable in the management or operation of an American-flag steamship line which has or had ships regularly transiting the Panama Canal, at least one other such member shall be experienced and knowledgeable in United States port operations or in the business of exporting or importing one of the regular commodities dependent on the Panama Canal as a transportation route, and at least one other such member shall be experienced and knowledgeable in labor matters in the United States. Three members of the Board shall hold no other office in or be employed by the Government of the

United States. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or his designee.

(b) The President shall appoint the members of the Board. The members of the Board who are United States nationals shall be appointed by and with the advice and consent of the Senate. Each member of the Board shall hold office at the pleasure of the President and, before assuming the duties of such office, shall take an oath to discharge faithfully the duties of his office. Members of the Board shall serve without compensation but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in accordance with section 1107 of this Act.

Compensation, travel expenses.

(c) The Board shall hold meetings as provided in regulations adopted by the Commission and approved by the Secretary of Defense. A quorum for the transaction of business shall consist of a majority of the Board members of which a majority of those present are nationals of the United States.

Quorum.

ADMINISTRATOR

SEC. 1103. There shall be an Administrator of the Commission, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President.

22 USC 3613.

DEPUTY ADMINISTRATOR AND CHIEF ENGINEER

SEC. 1104. (a) There shall be a Deputy Administrator and a Chief Engineer of the Commission, both of whom shall be appointed by the President. The Deputy Administrator and the Chief Engineer shall perform such duties as may be prescribed by the President.

22 USC 3614.

(b) The Deputy Administrator and the Chief Engineer shall each be paid compensation at a rate of pay established by the President which does not exceed the rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

5 USC 5332 note.

CONSULTATIVE COMMITTEE

SEC. 1105. (a) The President shall designate, and the Secretary of State shall coordinate the participation of, representatives of the United States to the Consultative Committee to be established under paragraph 7 of Article III of the Panama Canal Treaty of 1977.

22 USC 3615.

(b) The Consultative Committee shall function as a diplomatic forum for the exchange of views between the United States and the Republic of Panama. The Committee shall advise the United States Government and the Government of the Republic of Panama on matters of policy affecting the operation of the Panama Canal. The Committee shall have no authority to direct the Commission or any other department or agency of the United States to initiate or withhold action.

JOINT COMMISSION ON THE ENVIRONMENT

SEC. 1106. (a) The United States and the Republic of Panama, in accordance with the Panama Canal Treaty of 1977, shall establish a Joint Commission on the Environment (hereinafter in this section referred to as the "Joint Commission") to be composed of not more than three representatives of the United States and three representatives of the Republic of Panama, or such other equivalent numbers of

Membership.
22 USC 3616.

best copy available

representatives as may be agreed upon by the Governments of the two countries. The United States members of the Joint Commission shall periodically review the implementation of the Panama Canal Treaty of 1977 with respect to its impact on the environment and shall, jointly with the representatives of the Government of Panama, make recommendations to the United States Government and the Government of the Republic of Panama with respect to ways to avoid or mitigate adverse environmental impacts resulting from actions taken pursuant to such Treaty.

Compensation, travel expenses.

(b) Representatives of the United States on the Joint Commission shall be appointed by the President and shall serve at the pleasure of the President. Such representatives shall serve without compensation but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in accordance with section 1107 of this Act.

(c) Any Federal employee subject to the civil service laws and regulations who is detailed to serve with, or appointed by, the United States representatives on the Joint Commission shall not lose any pay, seniority, or other rights or benefits by reason of such detail or appointment.

Compensation.

(d) The United States representatives on the Joint Commission may, to such extent or in such amounts as are provided in advance in appropriation Acts, appoint and fix the compensation of such personnel as the representatives of the United States on the Joint Commission may consider necessary for the participation of the United States on the Joint Commission.

Rules of procedure.

(e) The United States representatives on the Joint Commission may, in cooperation with the representatives of the Republic of Panama on the Joint Commission, establish rules of procedure to be used by the Joint Commission in conducting its affairs, subject to the approval of such rules by the Governments of the United States and the Republic of Panama.

TRAVEL EXPENSES

22 USC 3617.

SEC. 1107. While away from their homes, regular places of business, or official stations in performance of services under this chapter, members of the Board of the Commission and the representatives of the United States on the Consultative Committee referred to in section 1105 of this Act and on the Joint Commission on the Environment referred to in section 1106 of this Act shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

DEFENSE OF THE PANAMA CANAL

22 USC 3618.

SEC. 1108. In the event of an armed attack against the Panama Canal, or when, in the opinion of the President, conditions exist which threaten the security of the Canal, the Administrator of the Commission shall, upon the order of the President, comply with such directives as the United States military officer charged with the protection and defense of the Panama Canal may consider necessary in the exercise of his duties.

JOINT SEA LEVEL CANAL STUDY COMMITTEE

22 USC 3619.

SEC. 1109. (a) The President shall appoint the representatives of the United States to any joint committee or body with the Republic of Panama to study the possibility of a sea level canal in the Republic of Panama pursuant to Article XII of the Panama Canal Treaty of 1977.

Transmittal to President of the Senate and House of Representatives.

(b) Upon the completion of any joint study between the United States and the Republic of Panama concerning the feasibility of a sea level canal in the Republic of Panama pursuant to paragraph 1 of Article XII of the Panama Canal Treaty of 1977, the text of the study shall be transmitted by the President to the President of the Senate and to the Speaker of the House of Representatives.

(c) No construction of a sea level canal by the United States in the Republic of Panama shall be undertaken except with express congressional authorization after submission of the study by the President as provided in subsection (b) of this section.

AUTHORITY OF THE AMBASSADOR

Coordination of transfer of functions.
22 USC 3620.

SEC. 1110. (a) The United States Ambassador to the Republic of Panama shall have full responsibility for the coordination of the transfer to the Republic of Panama of those functions that are to be assumed by the Republic of Panama pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b)(1) The Commission shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for the operation, management, or maintenance of the Panama Canal, as established in this or any other Act or in the Panama Canal Treaty of 1977 and related agreements, except that the Commission shall keep the Ambassador fully and currently informed with respect to all activities and operations of the Commission.

(2) Except as provided in paragraph (1) of this subsection, section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a), shall apply with respect to the activities of the Commission.

SECURITY LEGISLATION

22 USC 3621.

SEC. 1111. It is the sense of the Congress that the best interests of the United States require that the President enter into negotiations with the Republic of Panama for the purpose of arranging for the stationing of United States military forces, after the termination of the Panama Canal Treaty of 1977, in the area comprising the Canal Zone before the effective date of this Act, and for the maintenance of installations and facilities, after the termination of such Treaty, for the use of United States military forces stationed in such area. The President shall report to the Congress in a timely manner the status of negotiations conducted pursuant to this section.

Report to Congress.

CODE OF CONDUCT FOR COMMISSION PERSONNEL

Oath of office.
22 USC 3622.

SEC. 1112. (a) Before assuming the duties of his office or employment, each member of the Board of the Commission and each officer and employee of the Commission shall take an oath to discharge faithfully the duties of his office or employment. All employees of the Commission shall be subject to the laws of the United States regarding duties and responsibilities of Federal employees.

(b) Not later than 60 days after all the members of the Board of the Commission have been appointed, the Board shall adopt a code of conduct applicable to the persons referred to in subsection (a) of this section. The code of conduct shall contain provisions substantially equivalent to those contained in part 735 of title 5 of the Code of Federal Regulations on the effective date of this Act. The code of conduct shall, at a minimum, contain provisions substantially equivalent to the following provisions of law:

18 USC 201 *et seq.* (1) the provisions of chapter 11 of title 18, United States Code, as amended, relating to bribery, graft, or conflicts of interest, as appropriate to the employees concerned;

(2) section 7352 of title 5, United States Code, as amended;

(3) sections 207, 208, 285, 508, 641, 645, 1001, 1917, and 2071 of title 18, United States Code, as amended;

(4) section 5 of the Act of July 16, 1914 (31 U.S.C. 638a), as amended;

2 USC 701. (5) the Ethics in Government Act of 1978 (92 Stat. 1824), as amended; and

(6) those provisions of the laws and regulations of the Republic of Panama which are substantially equivalent to those of the United States set forth in this subsection.

Investigation. (c) The Commission shall investigate any allegations regarding the violation of the code of conduct adopted pursuant to subsection (b) of this section. The Commission may recommend that the President suspend from the performance of his duties any member of the Board of the Commission or any officer or employee of the Commission, pending judicial proceedings by appropriate authorities concerning such allegations.

Negotiations. (d) The President shall negotiate suitable arrangements with the Republic of Panama whereby each nation shall agree to take all measures within its legal authority to assure that members of the Board of the Commission comply with the code of conduct established pursuant to subsection (b) of this section. Without prejudice to such jurisdiction as the United States may have with respect to members of the Board, the provisions of law enumerated in subsection (b) of this section shall be enforced with respect to members of the Board only in accordance with such arrangements.

OFFICE OF OMBUDSMAN

Establishment. 22 USC 3623. SEC. 1113. (a) There is established within the Commission an Office of Ombudsman, to be directed by an Ombudsman, who shall be appointed by the Commission. It shall be the function of the Office of Ombudsman to receive individual complaints, grievances, requests, and suggestions of employees (and their dependents) of the Commission and other departments and agencies of the United States, including the Smithsonian Institution, conducting operations before the effective date of this Act in the area then comprising the Canal Zone concerning administrative problems, inefficiencies, and conflicts caused within departments and agencies of the United States, including the Smithsonian Institution, as a result of the implementation of the Panama Canal Treaty of 1977 and related agreements.

Functions. (b) The Ombudsman shall make findings and render assistance with respect to the complaints, grievances, requests, and suggestions submitted to the Office of Ombudsman, and shall make appropriate recommendations to the Commission or any other department or agency of the United States, including the Smithsonian Institution.

(c) The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of this Act, any other provision of law, or any Federal regulation.

(d) The Ombudsman shall be a citizen of the United States.

(e) The Office of Ombudsman shall terminate upon the termination of the Panama Canal Treaty of 1977. Termination.

CHAPTER 2—EMPLOYEES

Subchapter I—Panama Canal Commission Personnel

DEFINITIONS

22 USC 3641.

SEC. 1201. As used in this chapter—

(1) "Executive agency" has the meaning given that term in section 105 of title 5, United States Code;

(2) "uniformed services" has the meaning given that term in section 2101(3) of title 5, United States Code;

(3) "competitive service" has the meaning given that term in section 2102 of title 5, United States Code; and

(4) "United States", when used in a geographic sense, means each of the several States and the District of Columbia.

APPOINTMENT AND COMPENSATION; DUTIES

22 USC 3642.
5 USC 101 *et seq.*

SEC. 1202. (a) In accordance with this chapter, the Panama Canal Commission may appoint without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, fix the compensation of, and define the authority and duties of, officers, agents, attorneys, and employees (other than the Administrator, Deputy Administrator, and Chief Engineer) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

(b) Individuals serving in any Executive agency (other than the Commission) or the Smithsonian Institution, including individuals serving in the uniformed services, may, if appointed under this section or section 1103 or 1104 of this Act, serve as officers or employees of the Commission.

TRANSFER OF FEDERAL EMPLOYEES

22 USC 3643.

SEC. 1203. (a) The head of any agency may enter into agreements for the transfer or detail to the Commission of any employee of that agency serving under a permanent appointment. Any employee who so transfers or is so detailed shall, upon completion of the employee's tour of duty with the Commission, be entitled to reemployment with the agency from which the employee was transferred or detailed without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not been so transferred or been so detailed.

"Agency."

(b) For purposes of this section, the term "agency" means an Executive agency, the United States Postal Service, and the Smithsonian Institution.

Regulations.

(c) The Office of Personnel Management shall prescribe regulations to carry out the purposes of this section.

COMPENSATION OF INDIVIDUALS IN THE UNIFORMED SERVICES

22 USC 3644.

SEC. 1204. (a) Except as provided in subsection (b) of this section, any individual who is serving in a position in the Commission and who is a member of a uniformed service shall continue to be paid basic pay by such uniformed service and shall not be paid by the Commission for the period of the service in the uniformed service involved.

(b) If the individual appointed as Administrator, Deputy Administrator, or Chief Engineer of the Commission is a member of a uniformed service, the amount of basic pay otherwise payable to the individual for service in that position shall be reduced, up to the amount of that basic pay, by the amount of the basic pay payable to the individual as a member of a uniformed service.

(c) The Commission shall annually pay to each uniformed service amounts sufficient to reimburse that uniformed service for any basic pay paid by that uniformed service to any member of that service during any period of service in the Commission by the member.

DEDUCTION FROM BASIC PAY OF AMOUNTS DUE FOR SUPPLIES OR SERVICES

22 USC 3645.

SEC. 1205. The Commission may deduct from the basic pay otherwise payable by the Commission to any officer or employee of the Commission any amount due from the officer or employee to the Commission or to any contractor of the Commission for transportation, board, supplies, or any other service. Any amount so deducted may be paid by the Commission to any contractor to whom it is due or may be credited by the Commission to any appropriation from which the Commission has expended such amount.

COST OF LIVING ALLOWANCE

22 USC 3646.

SEC. 1206. Effective beginning October 1, 1984, each officer and employee of the Commission who is a citizen of the United States and was employed by the Panama Canal Company or the Canal Zone Government on September 30, 1979, or who is an individual of any nationality recruited outside the Republic of Panama after September 30, 1979, may be paid an allowance to offset any increased cost of living which may result from the termination of the eligibility of the officer or employee and his dependents to use military postal services, sales stores, and exchanges. The amount of the allowance may be determined by the Commission.

EDUCATIONAL TRAVEL BENEFITS

22 USC 3647.

SEC. 1207. (a) The Commission shall provide by regulation for round-trip transportation between the Republic of Panama and the United States or, in the case of an employee described in paragraph (2) of this subsection, between the Republic of Panama and the country in which such employee is recruited, for undergraduate college education for dependents of employees of the Commission who—

(1) are United States citizens who were employed by the Panama Canal Company or the Canal Zone Government on September 30, 1979, or

(2) are recruited outside the Republic of Panama after that date.

(b) The regulations prescribed by the Commission under this section shall—

(1) provide eligibility requirements which must be met by such dependents to qualify for transportation under this section, including a requirement that all eligible dependents must be under 23 years of age; and

(2) limit the transportation provided to one round trip during any one-year period.

PRIVILEGES AND IMMUNITIES OF CERTAIN EMPLOYEES

SEC. 1208. The Secretary of Defense shall designate those officers and employees of the Commission and other individuals entitled to the privileges and immunities accorded under paragraph 3 of Article VIII of the Panama Canal Treaty of 1977. The Department of State shall furnish to the Republic of Panama a list of the names of such officers, employees, and other individuals and shall notify the Republic of Panama of any subsequent additions to or deletions from the list. 22 USC 3648.

INAPPLICABILITY OF CERTAIN BENEFITS TO CERTAIN NONCITIZENS

SEC. 1209. (a) Chapter 81 of title 5, United States Code, relating to compensation for work injuries, chapter 83 of such title 5, relating to civil service retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are inapplicable to any individual— 22 USC 3649. 5 USC 8101 *et seq.* 5 USC 8301 *et seq.* 5 USC 8701 *et seq.* 5 USC 8901 *et seq.*

(1) who is not a citizen of the United States;

(2) whose initial appointment by the Commission occurs after October 1, 1979; and

(3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.

(b) Subparagraph (B) of section 8701(a) of title 5, United States Code, defining the term employee for purposes of life insurance, is amended to read as follows: Employee.

"(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or".

(c) Clause (ii) of section 8901(1) of title 5, United States Code, defining the term employee for purposes of health insurance, is amended to read as follows: Employee.

"(ii) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone;".

Subchapter II—Wage and Employment Practices

DEFINITIONS

SEC. 1211. As used in this subchapter— 22 USC 3651.

(1) "agency" means—

(A) the Commission, and

(B) an Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 1212(b)(2) of this Act;

(2) "position" means a civilian position in the Commission, or in any other agency if a substantial portion of the duties and responsibilities are performed in the Republic of Panama; and

(3) "employee" means an individual serving in a position.

PANAMA CANAL EMPLOYMENT SYSTEM; MERIT AND OTHER EMPLOYMENT REQUIREMENTS

22 USC 3652. Functions.

SEC. 1212. (a) After considering any recommendations of the Commission, the President shall establish a Panama Canal Employment System. The Panama Canal Employment System shall—

(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this chapter, and any other applicable provision of law;

(2) be based on the consideration of the merit of each employee or candidate for employment and the qualifications and fitness of the employee to hold the position concerned;

(3) conform, to the extent practicable and consistent with the provisions of this Act, to the policies, principles, and standards applicable to the competitive service; and

(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service.

(b)(1) The Commission, and any Executive agency and the Smithsonian Institution to the extent of any election under paragraph (2) of this subsection, shall conduct their employment and pay practices relating to employees in accordance with the Panama Canal Employment System and regulations prescribed by, or under the authority of, the President in accordance with this subchapter.

(2) The head of any Executive agency and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

(c) Subject to the provisions of this chapter, the President may, from time to time and after considering any recommendation of the Commission, amend or modify any provision of the Panama Canal Employment System, including any provision relating to selection for appointment, reappointment, reinstatement, reemployment, and retention, with respect to positions, employees, and candidates for employment.

Powers.

(d) The President may, to the extent the President determines appropriate—

(1) exclude any employee or position from coverage under any provision of this subchapter; and

(2) notwithstanding section 1202 of this Act, extend to any employee, whether or not the employee is a citizen of the United States, the rights and privileges which are provided by applicable laws and regulations for citizens of the United States employed in the competitive service.

EMPLOYMENT STANDARDS

22 USC 3653.

SEC. 1213. The head of each agency shall establish written standards for—

(1) determining the qualifications and fitness of employees and of candidates for employment in positions; and

(2) selecting individuals for appointment, promotion, or transfer to positions.

The standards shall conform to the provisions of this subchapter, any regulations prescribed thereunder, and the Panama Canal Employment System.

INTERIM APPLICATION OF CANAL ZONE MERIT SYSTEM

SEC. 1214. Notwithstanding any repeal made by this Act or any provision of this chapter, the provisions of subchapter III of chapter 7 of title 2 of the Canal Zone Code establishing the Canal Zone Merit System, together with the regulations prescribed thereunder, as in effect on September 30, 1979, shall continue in effect and shall apply with respect to employees until the Panama Canal Employment System is established and in effect pursuant to section 1212 of this Act.

22 USC 3654.
76A Stat. 16.

BASIC PAY

SEC. 1215. (a) The head of each agency, in accordance with the provisions of this subchapter, shall establish, and from time to time may revise, the rates of basic pay for positions and employees in the agency.

22 USC 3655.

(b) The rates of basic pay may be established and revised in relation to the rates of basic pay for the same or similar work performed in the United States or in such areas outside the United States as may be designated in the regulations prescribed under section 1223 of this Act.

(c) The head of each agency may make adjustments in rates of basic pay established under subsection (b) of this section in amounts not to exceed the amounts of the adjustments made from time to time by or under statute in the corresponding rates of basic pay for the same or similar work referred to in such subsection (b). The head of the agency may designate the effective date of any such adjustment, except that that date may not be earlier than the effective date of the adjustment in the corresponding rate of basic pay.

UNIFORM APPLICATION OF STANDARDS AND RATES

SEC. 1216. The standards established pursuant to section 1213 of this Act and the rates of basic pay established pursuant to section 1215 of this Act shall be applied without regard to whether the employee or individual concerned is a citizen of the United States or a citizen of the Republic of Panama.

22 USC 3656.

RECRUITMENT AND RETENTION REMUNERATION

SEC. 1217. (a) In addition to basic pay, additional compensation may be paid, in such amounts as the head of the agency concerned determines, as an overseas recruitment or retention differential to any individual who—

Qualification provisions.
22 USC 3657.

(1) before October 1, 1979, was employed by the Panama Canal Company, by the Canal Zone Government, or by any other agency in the area then known as the Canal Zone;

(2) is an employee who was recruited on or after October 1, 1979, outside of the Republic of Panama for placement in the Republic of Panama; or

(3) is a medical doctor employed by the Department of Defense in the Republic of Panama or by the Commission;

if, in the judgment of the head of the agency concerned, the recruitment or retention of the individual is essential.

(b) Any employee described in more than one paragraph of subsection (a) of this section may qualify for a recruitment or retention differential under only one of those paragraphs.

(c) Additional compensation provided under this section may not exceed 25 percent of the rate of basic pay for the same or similar work performed in the United States by individuals employed by the Government of the United States.

5 USC 5921.

(d) Subchapter III of chapter 59 of title 5, United States Code, relating to overseas differentials and allowances, shall not apply with respect to any employee whose permanent duty station is in the Republic of Panama and who is employed by an agency.

BENEFITS BASED ON BASIC PAY

22 USC 3658.

SEC. 1218. For the purpose of determining—

5 USC 8101.

(1) amounts of compensation for disability or death under chapter 81 of title 5, United States Code, relating to compensation for work injuries;

5 USC 8331.

(2) benefits under subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement;

5 USC 8701 *et seq.*

(3) amounts of insurance under chapter 87 of title 5, United States Code, relating to life insurance;

(4) amounts of overtime pay or other premium pay;

(5) annual leave benefits; and

(6) any other benefits related to basic pay;

the basic pay of each employee shall include the rate of basic pay established for his position under section 1215 of this Act plus the amount of any additional compensation provided under section 1217 of this Act.

SALARY PROTECTION UPON CONVERSION OF PAY BASE

22 USC 3659.

SEC. 1219. (a) In the case of any employee whose rate of basic pay is determined in relation to rates of basic pay for the same or similar work in the United States and which is converted to a rate of basic pay pursuant to section 1215(b) of this Act which is determined in relation to rates in areas other than the United States pursuant to such section 1215(b), the employee shall continue to receive a rate of basic pay not less than that to which the employee was entitled immediately before the conversion.

(b) This section shall cease to apply with respect to any employee if the employee is placed in a position—

(1) for which the rate of basic pay is determined in relation to rates of basic pay in the United States pursuant to section 1215(b) of this Act; or

(2) which is of a lower grade.

REVIEW AND ADJUSTMENT OF CLASSIFICATIONS, GRADES, AND PAY LEVEL

22 USC 3660.

SEC. 1220. An employee may request at any time that the employee's agency—

(1) review the classification of the employee's position or the grade or pay level for the employee's position, or both; and

(2) revise or adjust that classification, grade or pay level, or both, as the case may be.

The request for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established appeals procedures of the agency.

PANAMA CANAL BOARD OF APPEALS; DUTIES

22 USC 3661.

SEC. 1221. (a) Subject to the provisions of this chapter, the President shall prescribe regulations establishing a Panama Canal Board of Appeals. The regulations shall provide for the number of members of the Board and their appointment, compensation, and terms of office, the selection of a Chairman of the Board, the appointment and compensation of the Board's employees, and other appropriate matters relating to the Board.

(b) The Board shall review and determine the appeals of employees in accordance with section 1222 of this Act. The decisions of the Board shall conform to the provisions of this subchapter.

APPEALS TO BOARD; PROCEDURES; FINALITY OF DECISIONS

22 USC 3662.

SEC. 1222. (a) An employee may appeal to the Panama Canal Board of Appeals from an adverse determination made by an agency under section 1220 of this Act. The appeal shall be made in writing within a reasonable time (as specified in regulations prescribed by, or under the authority of, the President) after the date of the transmittal by the agency to the employee of written notice of the adverse determination.

(b) The Board may authorize, in connection with an appeal pursuant to subsection (a) of this section, a personal appearance before the Board by the employee, or by a representative of the employee designated for that purpose.

(c) After investigation and consideration of the evidence submitted, the Board shall—

(1) prepare a written decision on the appeal;

(2) transmit its decision to the agency concerned; and

(3) transmit copies of the decision to the employee concerned or to the designated representative.

(d) The decision of the Board on any question or other matter relating to an appeal is final and conclusive. The agency concerned shall take action in accordance with the decision of the Board.

ADMINISTRATION BY THE PRESIDENT

Regulations.
22 USC 3663.

SEC. 1223. (a) The President shall prescribe regulations necessary and appropriate to carry out the provisions of this subchapter and coordinate the policies and activities of agencies under this subchapter.

Purpose.

(b) The President may establish an office within the Commission as the successor to the Canal Zone Central Examining Office. The purpose of the office shall be to assist the President in—

(1) carrying out the President's coordination responsibility under subsection (a) of this section; and

(2) implementing the provisions of the Panama Canal Treaty of 1977 and related agreements with respect to recruitment, examination, determination of qualification standards, and similar matters.

Delegation of authority.

(c) The President may delegate any authority vested in the President by this subchapter and may provide for the redelegation of that authority.

APPLICABILITY OF CERTAIN LAWS

22 USC 3664.

SEC. 1224. This chapter does not affect the applicability of—

(1) the provisions of title 5, United States Code, which relate to preference eligibles;

(2) the provisions of title 5, United States Code, which relate to removal or suspension from the competitive service; and

(3) the provisions of section 5544(a) of title 5, United States Code, which relate to wage-board overtime and Sunday rates,

with respect to classes of employees who were covered by those provisions on the date of the enactment of this Act.

MINIMUM LEVEL OF PAY; MINIMUM ANNUAL INCREASES

SEC. 1225. (a) Subsection (f) of section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), relating to applicability to employees in foreign countries and certain United States possessions, is amended by striking out "Johnston Island; and the Canal Zone." and inserting in lieu thereof "and Johnston Island.".

22 USC 3665. (b)(1) Effective October 1, 1979, each individual employed by an Executive agency or the Smithsonian Institution, whose permanent duty station is located within an area or installation in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, shall be paid basic pay at a rate of not less than $2.90 an hour.

(2) Effective on October 1 of each succeeding calendar year, the rate of basic pay for each individual referred to in paragraph (1) of this subsection whose basic pay is not fixed in relation to rates of basic pay for the same or similar work performed in the United States shall be increased by an amount equal to not less than 2 percent of the rate of basic pay for that individual in effect immediately before that date.

Subchapter III—Conditions of Employment and Placement

TRANSFERRED OR REEMPLOYED EMPLOYEES

22 USC 3671. SEC. 1231. (a)(1) With respect to any individual employed in the Panama Canal Company or the Canal Zone Government—

(A) who is transferred—

(i) to a position in the Commission; or

(ii) to a position in an Executive agency or in the Smithsonian Institution the permanent duty station of which is in the Republic of Panama (including the area known before October 1, 1979, as the Canal Zone); or

(B) who is separated by reason of a reduction in force on September 30, 1979, and is appointed to a position in the Commission before April 1, 1980;

the terms and conditions of employment set forth in paragraph (2) of this subsection shall be generally no less favorable, on or after the date of the transfer referred to in subparagraph (A) of this paragraph or the date of the appointment referred to in subparagraph (B) of this paragraph, as the case may be, than the terms and conditions of employment with the Panama Canal Company and Canal Zone Government on September 30, 1979, or, in the case of a transfer described in subparagraph (A)(ii) of this paragraph which takes place before that date, on the date of the transfer.

Terms and conditions. (2) The terms and conditions of employment referred to in paragraph (1) of this subsection are the following:

(A) rates of basic pay;

(B) tropical differential;

(C) premium pay and night differential;

(D) reinstatement and restoration rights;

(E) injury and death compensation benefits;

(F) leave and travel;

(G) transportation and repatriation benefits;

(H) group health and life insurance;

(I) reduction-in-force rights;

(J) an employee grievance system, and the right to appeal adverse and disciplinary actions and position classification actions;

(K) veterans' preference eligibility;

(L) holidays;

(M) saved pay provisions; and

(N) severance pay benefits.

(3)(A) The provisions of this subsection shall take effect on the date of the enactment of this Act.

Effective date.

(B) No spending authority (as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974) provided for under this subsection shall take effect before October 1, 1979.

31 USC 1351.

(C) Effective October 1, 1979, any individual who, but for subparagraph (B) of this paragraph, would have been entitled to one or more payments pursuant to this subsection for periods before October 1, 1979, shall be entitled, to the extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such payments.

Effective date.

(b) Any individual described in subsection (a)(1)(B) of this section who would have met the service requirement for early retirement benefits under section 8336(i) or 8339(d)(2) of title 5, United States Code (as amended by sections 1241(a) and 1242 of this Act, respectively), but for a break in service of more than 3 days immediately after September 30, 1979, shall be considered to meet that requirement. Any break in service by any such individual for purposes of section 8332 of such title 5 during the period beginning September 30, 1979, and ending on the date of the appointment referred to in such subsection (a)(1)(B) shall be considered a period of creditable service under such section 8332 for such individual, except that such period shall not be taken into account for purposes of determining average pay (as defined in section 8331(4) of such title 5) and no deduction, contribution, or deposit shall be required for that period under section 8334 of such title 5.

(c)(1) Section 5(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(c)) shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama, until the rates of basic compensation established under section 5(c) of such Act equal or exceed the rates of basic compensation then in effect for teachers who were so transferred.

(2) Section 6(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904(a)(2)) shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama.

(3)(A) The head of a department or agency of the United States may grant a sabbatical to any teacher to whom paragraph (1) of this subsection applies for not to exceed 11 months in order to permit the teacher to engage in study or uncompensated work experience which is in the United States and which will contribute to the teacher's development and effectiveness. Basic compensation shall be paid to teachers on sabbatical under this section in the same manner and to the same extent as basic compensation would have been paid to teachers on sabbatical while employed in the Canal Zone Govern-

Sabbatical leave.

Compensation.

ment school system on the day before the effective date of this Act. A sabbatical shall not result in a loss of, or reduction in, leave to which the teacher is otherwise entitled, credit for time or service, or performance or efficiency rating. The head of the department or agency may authorize in accordance with chapter 57 of title 5, United States Code, such travel expenses (including per diem allowance) as the head of the department or agency may determine to be essential for the study or experience.

5 USC 5701 *et seq.*

(B) A sabbatical under this paragraph may not be granted to any teacher—

(i) more than once in any 10-year period;

(ii) unless the teacher has completed 7 years of service as a teacher; and

(iii) if the teacher is eligible for voluntary retirement with a right to an immediate annuity.

(C)(i) Any teacher in a department or agency of the United States may be granted a sabbatical under this paragraph only if the teacher agrees, as a condition of accepting the sabbatical, to serve in the civil service upon the completion of the sabbatical for a period of two consecutive years.

(ii) Each agreement required under clause (i) of this subparagraph shall provide that in the event the teacher fails to carry out the agreement (except for good and sufficient reason as determined by the head of the department or agency that granted the sabbatical) the teacher shall be liable to the United States for payment of all expenses (including salary) of the sabbatical. The amount shall be treated as a debt due the United States.

(d) Sections 5595(a)(2)(iii), 5724a(a) (3) and (4), and 8102(b) of title 5, United States Code, are each amended by striking out "Canal Zone" each place it appears and inserting in lieu thereof "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)".

Ante, p. 455.

PLACEMENT

22 USC 3672.

SEC. 1232. (a) Any citizen of the United States—

(1) who, on March 31, 1979, was an employee of the Panama Canal Company or the Canal Zone Government;

(2) who separates or is scheduled to separate on or after such date for any reason other than misconduct or delinquency; and

(3) who is not placed in another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(b) Any citizen of the United States—

(1) who, on March 31, 1979, was employed in the Canal Zone as an employee of an Executive agency (other than the Panama Canal Company or the Canal Zone Government) or the Smithsonian Institution;

(2) whose position is eliminated as the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(3) who is not appointed to another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(c) The Office of Personnel Management shall establish and administer a Government-wide placement program for all eligible employees who request appointment to positions under this section.

(d) The provisions of this section shall take effect on the date of the enactment of this Act.

Effective date. 22 USC 3672 note.

Subchapter IV—Retirement

EARLY RETIREMENT ELIGIBILITY

SEC. 1241. (a) Section 8336 of title 5, United States Code, is amended—

(1) in subsection (c), by inserting "(1)" after "(c)" and by adding at the end thereof the following new paragraph:

"(2) An employee is entitled to an annuity if the employee—

"(A) was a law enforcement officer or firefighter employed by the Panama Canal Company or the Canal Zone Government at any time during the period beginning March 31, 1979, and ending September 30, 1979; and

"(B) is separated from the service before January 1, 2000, after becoming 48 years of age and completing 18 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 18 years."; and

(2) by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i)(1) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama who is separated from the service before January 1, 2000, who was employed by the Canal Zone Government or the Panama Canal Company at any time during the period beginning March 31, 1979, and ending September 30, 1979, and who has had continuous Panama Canal service, without a break in service of more than 3 days, from that time until separation, is entitled to an annuity if the employee is separated—

"(A) involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service, if the separation is a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; or

"(B) voluntarily, after completing 23 years of service or after becoming 48 years of age and completing 18 years of service.

"(2) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama who is separated from the service before January 1, 2000, who was employed, at a permanent duty station in the Canal Zone, by any Executive agency other than the Canal Zone Government or the Panama Canal Company at any time during the period beginning March 31, 1979, and ending September 30, 1979, and who has had continuous Panama Canal service, without a break in service of more than 3 days, from that time until separation, is entitled to an annuity if—

"(A) the employee is separated involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service; and

"(B) the separation is the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements.

"(3) For the purpose of this subsection—

"Panama Canal service."

"(A) 'Panama Canal service' means—

"(i) service as an employee of the Canal Zone Government, the Panama Canal Company, or the Panama Canal Commission; or

"(ii) service at a permanent duty station in the Canal Zone or Republic of Panama as an employee of an Executive agency conducting operations in the Canal Zone or the Republic of Panama; and

"Executive agency."

"(B) 'Executive agency' includes the United States District Court for the District of the Canal Zone and the Smithsonian Institution.".

Effective date.
5 USC 8336 note.
5 USC 8301 *et seq.*

(b)(1) The amendments made by this section shall take effect on the date of the enactment of this Act, but no amount of annuity under chapter 83 of title 5, United States Code, accruing by reason of those amendments shall be payable for any period before October 1, 1979.

Lump sum payment.
5 USC 8336 note.

(2) Effective October 1, 1979, any individual who, but for paragraph (1) of this subsection, would have been entitled to one or more annuity payments pursuant to the amendments made by this section for periods before October 1, 1979, shall be entitled, to such extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such annuity payments.

EARLY RETIREMENT COMPUTATION

SEC. 1242. (a) Section 8339(d) of title 5, United States Code, is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following new paragraphs:

"(2) The annuity of an employee retiring under this subchapter who was employed by the Panama Canal Company or Canal Zone Government on September 30, 1979, is computed with respect to the period of continuous Panama Canal service from that date, disregarding any break in service of not more than 3 days, by adding—

"(A) 2½ percent of the employee's average pay multiplied by so much of that service as does not exceed 20 years; plus

"(B) 2 percent of the employee's average pay multiplied by so much of that service as exceeds 20 years.

"(3)(A) In the case of an employee who has service as a law enforcement officer or firefighter to which paragraph (2) of this subsection applies, the annuity of that employee is increased by $8 for each full month of that service which is performed in the Republic of Panama.

"(B) In the case of an employee retiring under this subchapter who—

"(i) was employed as a law enforcement officer or firefighter by the Panama Canal Company or Canal Zone Government at any time during the period beginning March 31, 1979, and ending September 30, 1979; and

"(ii) does not meet the age and service requirements of section 8336(c) of this title;

the annuity of that employee is increased by $12 for each full month of that service which occurred before October 1, 1979.

"(C) An annuity increase under this paragraph does not apply with respect to service performed after completion of 20 years of service (or any combination of service) as a law enforcement officer or firefighter.

"(4) For the purpose of this subsection—

"Panama Canal service."

"(A) 'Panama Canal service' means—

"(i) service as an employee of the Panama Canal Commission; or

"(ii) service at a permanent duty station in the Canal Zone or Republic of Panama as an employee of an Executive agency conducting operations in the Canal Zone or Republic of Panama; and

"(B) 'Executive agency' includes the Smithsonian Institution.".

"Executive agency."

5 USC 8339 note.

(b)(1) The amendments made by this section shall take effect on the date of the enactment of this Act, but no amount of annuity under chapter 83 of title 5, United States Code, accruing by reason of those amendments shall be payable for any period before October 1, 1979.

5 USC 8301.

5 USC 8339 note.

(2) Effective October 1, 1979, any individual who, but for paragraph (1) of this subsection, would have been entitled to one or more annuity payments pursuant to the amendments made by this section for periods before October 1, 1979, shall be entitled, to such extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such annuity payments.

RETIREMENT UNDER SPECIAL TREATY PROVISIONS

Social Security System of the Republic of Panama, payment.

22 USC 3681.

SEC. 1243. (a)(1) Subject to subsection (b) of this section, and under such regulations as the President may prescribe, the Secretary of the Treasury shall pay to the Social Security System of the Republic of Panama, out of funds deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund under section 8334(a)(2) of title 5, United States Code, such sums of money as may be necessary to aid in the purchase of a retirement equity in such System for each individual who—

(A) meets the requirements of paragraph (2) of this subsection;

(B) is separated from employment in the Panama Canal Company, the Canal Zone Government, or the Commission by reason of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(C) becomes employed in a position covered by the Social Security System of the Republic of Panama through the transfer of a function or activity to the Republic of Panama from the United States or through a job placement assistance program.

Eligibility.

(2) This subsection applies with respect to any individual only if the individual—

(A) has been credited with at least 5 years of civilian service under section 8332 of title 5, United States Code, relating to creditable service for purposes of civil service retirement;

5 USC 8301.

(B) is not eligible for an immediate retirement annuity under chapter 83 of title 5, United States Code, relating to civil service retirement, and elects not to receive a deferred annuity under that chapter based on any portion of that service; and

(C) elects to withdraw from the Civil Service Retirement and Disability Fund the individual's entire lump-sum credit (as defined in section 8331(8) of title 5, United States Code) and to transfer that amount to the Social Security System of the Republic of Panama pursuant to the special regime referred to in paragraph 3 of Article VIII of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

Payment limitation.

(b) The amount paid to the Social Security System of the Republic of Panama with respect to any individual under subsection (a) of this section shall not exceed the individual's entire lump-sum credit (as so defined).

(c)(1) Pursuant to paragraph 2(b) of Annex C to the Agreement in Implementation of Article IV of the Panama Canal Treaty of 1977, the President, or the President's designee, shall purchase from a source determined by the President to be appropriate, in accordance with such regulations as the President or the President's designee may prescribe, and to such extent or in such amounts as may be provided in advance in appropriation Acts, a nontransferable deferred annuity for the benefit of each employee of an agency or instrumentality of the Government of the United States in the Republic of Panama—

(A) who is not a citizen of the United States;

(B) who was employed on October 1, 1979, and during any period before that date by an agency or instrumentality of the Government of the United States at any permanent duty station in the Republic of Panama (including, with respect to employment before that date, the area then known as the Canal Zone);

(C) who, for any period of service with such agency or instrumentality before October 1, 1979, at any such permanent duty station was not covered, by reason of that service, by the United States Civil Service Retirement system or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama; and

(D) who, on October 1, 1979, is under a Federal retirement system and, on or before that date, has accrued in one or more agencies or instrumentalities of the United States a total of 5 years or more of service which—

(i) is creditable toward any Federal retirement system as in effect on October 1, 1979;

(ii) would have been creditable toward any such retirement system if the retirement system were in effect at the time of the service accrued by the employee; or

(iii) consists of any combination of service described in clauses (i) and (ii) of this subparagraph.

Retroactivity coverage.

(2) The retirement annuity referred to in paragraph (1) of this subsection with respect to any employee will cover retroactivity, from October 1, 1979, all periods of service, described in subparagraph (D) of that paragraph, by that employee at any permanent duty station in the Republic of Panama (including the area known before that date as the Canal Zone) in agencies and instrumentalities of the Government of the United States during which that employee was not covered by the United States Civil Service Retirement System or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama.

OBLIGATION OF COMMISSION FOR UNFUNDED LIABILITY

SEC. 1244. Section 8348 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding any other provision of law, the Panama Canal Commission shall be liable for that portion of any estimated increase in the unfunded liability of the fund which is attributable to any benefits payable from the Fund to or on behalf of employees and their survivors to the extent attributable to the amendments made by sections 1241 and 1242, and the provisions of sections 1231(b) and 1243(a)(1), of the Panama Canal Act of 1979.

Ante, p. 452.

"(2) The estimated increase in the unfunded liability referred to in paragraph (1) of this subsection shall be determined by the Office of

Personnel Management. The Secretary of the Treasury shall pay to the Fund from appropriations for that purpose the amount so determined in annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.".

CASH RELIEF TO CERTAIN FORMER EMPLOYEES

Disabled employees. 22 USC 3682.

SEC. 1245. (a) The Commission, under the regulations prescribed by the President pursuant to the Act entitled "An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act", approved July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease. Subject to subsection (b) of this section, that cash relief may not exceed $1.50 per month for each year of service of the employees so furnished relief, with a maximum of $45 per month, plus the amount of any cost-of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination for disability prior to October 5, 1958, had less than 10 years' service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.

(b) An additional amount of $20 per month shall be paid to each person who receives payment of cash relief under subsection (a) of this section and shall be allowed without regard to the limitations contained therein.

(c) Each cash relief payment made pursuant to this section shall be increased on the same effective date and by the same percent, adjusted to the nearest dollar, as civil service retirement annuities are increased under the cost-of-living adjustment provisions of section 8340(b) of title 5, United States Code. Such increase shall apply only to cash relief payments made after October 1, 1979, as increased by annuity increases made after that date under such section 8340(b).

(d) The Commission may pay cash relief to the widow of any former employee of the Canal Zone Government or the Panama Canal Company who, until the time of his death, receives or has received cash relief under subsection (a) of this section, under section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), or under the Act of July 8, 1937, referred to in such subsection (a). The term "widow" as used in this subsection includes only the following:

76A Stat. 20. "Widow."

(1) a woman legally married to such employee at the time of his termination for disability and at his death;

(2) a woman who, although not legally married to such former employee at the time of his termination, had resided continuously with him for at least five years immediately preceding the employee's termination under such circumstances as would at common law make the relationship a valid marriage and who continued to reside with him until his death; and

(3) a woman who has not remarried or assumed a common-law relationship with any other person.

Cash relief granted to such a widow shall not at any time exceed 50 percent of the rate at which cash relief, inclusive of any additional payment under subsection (b) of this section, would be payable to the former employee were he then alive.

5 USC 8331. (e) Subchapter III of chapter 83 of title 5, United States Code, applies with respect to those individuals who were in the service of the Canal Zone Government or the Panama Canal Company on October 5, 1958, and who, except for the operation of section 13(a)(1) of the Act entitled "An Act to implement item 1 of a Memorandum of Understanding attached to the treaty of January 25, 1955, entered into by the Government of the United States of America and the Government of the Republic of Panama with respect to wage and employment practices of the Government of the United States of America in the Canal Zone", approved July 25, 1958 (72 Stat. 405), would have been within the classes of individuals subject to the Act of July 8, 1937, referred to in subsection (a) of this section. 5 USC 8331 note.

APPLIANCES FOR EMPLOYEES INJURED BEFORE SEPTEMBER 7, 1916

22 USC 3683. SEC. 1246. Artificial limbs or other appliances may be purchased by the Commission, out of any funds appropriated to the Commission, for persons who were injured in the service of the Isthmian Canal Commission or of the Panama Canal before September 7, 1916.

Subchapter V—Leave

LEAVE FOR JURY OR WITNESS SERVICE

SEC. 1251. Section 6322(a) of title 5, United States Code, is amended—

(1) by striking out "the Canal Zone, or"; and

(2) by striking out "Islands." and inserting in lieu thereof "Islands, or the Republic of Panama.".

Subchapter VI—Application to Related Personnel

LAW ENFORCEMENT; CANAL ZONE CIVILIAN PERSONNEL POLICY COORDINATING BOARD; RELATED EMPLOYEES

22 USC 3691. SEC. 1261. (a) For the purposes of sections 1206, 1231, 1232, 1241, and 1242 of this Act, including any amendment made by those sections, the United States Attorney for the District of the Canal Zone and the Assistant United States Attorneys and their clerical assistants, and the United States Marshal for the District of the Canal Zone and his deputies and clerical assistants shall be considered employees of the Commission.

(b) For the purposes of this Act, including any amendment made by this Act, the Executive Director of the Canal Zone Civilian Personnel Policy Coordinating Board, the Manager, Central Examining Office, and their staffs shall be considered to have been employees of the Panama Canal Company with respect to service in those positions before October 1, 1979, and as employees of the Commission with respect to service in those positions on or after that date.

Effective date. 22 USC 3691 note. (c) The provisions of this section shall take effect on the date of the enactment of this Act.

Subchapter VII—Labor-Management Relations

LABOR-MANAGEMENT RELATIONS

22 USC 3701. 5 USC 7101 *et seq.* SEC. 1271. (a) Nothing in this Act shall be construed to affect the applicability of chapter 71 of title 5, United States Code, relating to

labor-management and employee relations, with respect to the Commission or the operations of any other Executive agency conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, except that in applying those provisions—

(1) the definition of "employee" shall be applied without regard to clause (i) of section 7103(a)(2) of such title 5 which relates to nationality and citizenship; and

(2) a unit shall be considered to be appropriate notwithstanding the fact that it includes any supervisor if that supervisor's position (or type of position) was, before October 1, 1979, represented before the Panama Canal Company by a labor organization that included employees who were not supervisors.

(b) Labor-management and employee relations of the Commission, other Executive agencies, and the Smithsonian Institution, their employees, and organizations of those employees, in connection with operations conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, shall be governed and regulated solely by the applicable laws, rules, and regulations of the United States.

CHAPTER 3—FUNDS AND ACCOUNTS

Subchapter I—Funds

CANAL ZONE GOVERNMENT FUNDS

22 USC 3711.

SEC. 1301. On the effective date of this Act, any unexpended balances of the appropriation accounts appearing on the books of the United States Government as "Operating Expenses, Canal Zone Government (38-0116-0-1-806)" and "Capital Outlay, Canal Zone Government (38-0118-0-1-806)" shall be covered into the general fund of the Treasury, and any appropriations to which expenditures under such accounts have been chargeable before such effective date are repealed. The Commission may, to such extent or in such amounts as are provided in appropriation Acts to the Commission for such purpose, pay claims or make payments chargeable to such accounts, upon proper audit of such claims or payments. There are authorized to be appropriated to the Commission such funds as may be necessary to pay claims and make payments pursuant to this section.

Appropriation authorization.

PANAMA CANAL COMPANY FUNDS; COMMISSION FUNDS

22 USC 3712.

SEC. 1302. (a) On the effective date of this Act, the account appearing on the books of the United States Government as the "Panama Canal Company Fund (38-4060-0-3-403)" shall be terminated, and any unexpended balances under such account as of that date shall be covered into the Treasury in an account to be known as the "Panama Canal Commission Fund".

(b) On or after the effective date of this Act, tolls for the use of the Panama Canal and all other receipts of the Commission that, before such effective date, would have been credited to the account appearing on the books of the Governments as the "Panama Canal Company Fund (38-4060-0-3-403)" shall be deposited in the Treasury in the Panama Canal Commission Fund.

(c)(1) No funds may be appropriated to or for the use of the Commission, nor may any funds be obligated or expended by the Commission for any fiscal year, unless such appropriation, obligation, or expenditure has been specifically authorized by law

(2) No funds may be appropriated to or for the use of the Commission for any fiscal year in excess of (A) the amount of revenues deposited in the Panama Canal Commission Fund during such fiscal year, as such amount is estimated by the Secretary of Defense and certified by the Comptroller General of the United States at the time the budget request for the Commission for such fiscal year is submitted to the Congress, plus (B) the amount of revenues deposited in such Fund prior to such fiscal year and remaining unexpended at the beginning of such fiscal year. Not later than thirty days after the end of such fiscal year, the Secretary of the Treasury shall report to the Congress the actual amount of revenues deposited in the Panama Canal Commission Fund during such fiscal year.

Report to Congress.

(d) The Commission may, to such extent or in such amounts as are provided in advance in appropriation Acts, enter into contracts in order to carry out its functions.

(e)(1) It is the sense of the Congress that the additional costs resulting from implementation of the Panama Canal Treaty of 1977 and related agreements should be kept to the absolute minimum level. To this end, the Congress declares that the direct appropriated costs of implementation to be borne by the taxpayers over the life of such Treaty should be kept to a level no greater than the March 1979 estimate of those costs ($870,700,000) presented to the Congress by the executive branch during consideration of this Act by the Congress, less personnel retirement costs of $205,000,000, which were subtracted and charged to tolls, therefore resulting in the net taxpayer cost of approximately $665,700,000, plus appropriate adjustment for inflation.

(2) It is further the sense of the Congress that the actual costs of implementation be consistent with the obligations of the United States to operate the Panama Canal safely and efficiently and keep it secure.

EMERGENCY FUND

Panama Canal Emergency Fund.
22 USC 3713.
Appropriation authorization.

SEC. 1303. (a) On the effective date of this Act, the Secretary of the Treasury shall establish and thereafter shall maintain in the Treasury a fund to be known as the "Panama Canal Emergency Fund". There are authorized to be appropriated for deposit in such Fund (1) for the fiscal year beginning on October 1, 1979, $40,000,000, and (2) for any fiscal year beginning on or after October 1, 1980, such additional sums as may be specifically authorized by law for such fiscal year.

Withdrawals.

(b) The Commission may make withdrawals from the Panama Canal Emergency Fund by check in order to defray emergency expenses and to insure the continuous, efficient, and safe operation of the Panama Canal, if funds appropriated for the operation and maintenance of the Canal are insufficient for such purposes. Any withdrawal from such Fund to cover increased costs attributable to unprogrammed increases in traffic may not be made in amounts greater than the revenues from such increased traffic. Such Fund shall not be available for payments to Panama under Article XIII of the Panama Canal Treaty of 1977. Any withdrawal from such fund or expenditure made under this subsection shall be reported forthwith by the Commission to the Congress and to the Office of Management and Budget.

Subchapter II—Accounting Policies and Audits

ACCOUNTING POLICIES

22 USC 3721.

SEC. 1311. (a) The Commission shall establish and maintain its accounts pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) and the provisions of this chapter. Such accounts shall specify all revenues received by the Commission, including tolls for the use of the Panama Canal, expenditures for capital replacement, expansion, and improvement, and all costs of maintenance and operation of the Panama Canal and of its complementary works, installations, and equipment, including depreciation, payments to the Republic of Panama under the Panama Canal Treaty of 1977, and interest on the investment of the United States calculated in accordance with section 1603 of this Act.

Regulations.

(b) The Commission may issue regulations establishing the basis of accounting for the assets which are made available for the use of the Commission. Such regulations may provide for depreciation of the net replacement value of the assets which will ultimately require replacement to maintain the service capacity of the Panama Canal. Such regulations may also provide that depreciation of such assets be recorded ratably over their service lives.

REPORTS

Report to President and Congress.
22 USC 3722.

SEC. 1312. The Commission shall, not later than January 31 of each year, submit to the President and the Congress a financial statement and a complete report with respect to the maintenance and operation of the Panama Canal during the preceding fiscal year.

AUDIT BY THE COMPTROLLER GENERAL OF THE UNITED STATES

22 USC 3723.

SEC. 1313. (a) Financial transactions of the Commission shall be audited by the Comptroller General of the United States (hereinafter in this Act referred to as the "Comptroller General") pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.). In conducting any audit pursuant to such Act, the appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission and necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. An audit pursuant to such Act shall first be conducted with respect to the fiscal year in which this Act becomes effective.

Report to Congress.

(b) The Comptroller General shall, not later than six months after the end of each fiscal year, submit to the Congress a report of the audit conducted pursuant to subsection (a) of this section with respect to such fiscal year. Such report shall set forth the scope of the audit and shall include—

(1) a statement of assets and liabilities, capital, and surplus or deficit, based on the accounts of the Commission established pursuant to this chapter,

(2) a statement of income and expenses,

(3) a statement of sources and application of funds,

(4) a statement listing all direct and indirect costs incurred by the United States in implementing the Panama Canal Treaty of 1977, including the cost of property transferred to the Republic of Panama during each fiscal year, and

(5) such comments and information as the Comptroller General considers necessary to keep the Congress informed of the operations and financial transactions of the Commission, together with such recommendations with respect to such operations and transactions as the Comptroller General considers advisable.

The report shall identify specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit which, in the opinion of the Comptroller General, has been carried out or made and has not been authorized by law. The Comptroller General shall submit a copy of each such report to the President, the Secretary of the Treasury, and the Commission.

(c) In conducting the audits and preparing the reports provided for in this section and in carrying out his other responsibilities pursuant to law, the Comptroller General shall, with respect to fiscal year 1980, take into account the problems inherent in converting the existing accounting system of the Panama Canal Company to conform to the requirements established in section 1311 of this Act. Accordingly, the Comptroller General shall take no adverse action with respect to the Commission, nor shall any violation of section 3679 of the Revised Statutes (31 U.S.C. 665) be considered to have taken place, so long as the Commission is in substantial compliance with the requirements of this Act. The Comptroller General shall make such recommendations to the Commission and to the Congress as he may consider appropriate to insure that full compliance with the financial controls provided for in the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) is achieved promptly.

Subchapter III—Interagency Accounts

INTERAGENCY SERVICES; REIMBURSEMENTS

22 USC 3731.

SEC. 1321. (a) The Commission shall reimburse the Employees' Compensation Fund, Bureau of Employee's Compensation, Department of Labor, for the benefit payments to the Commission's employees, and shall also reimburse other Government departments and agencies for payments of a similar nature made on its behalf.

(b) The Department of Defense shall reimburse the Commission for amounts expended by the Commission in maintaining defense facilities in standby condition for the Department of Defense.

(c) Notwithstanding any other provision of law, funds appropriated (for any fiscal year beginning after September 30, 1979) to or for the use of the Department of Defense, or to any other department or agency of the United States as may be designated by the President to carry out the purposes of this subsection, shall be available for—

(1) conducting the educational and health care activities, including kindergartens and college, carried out by the Canal Zone Government and the Panama Canal Company before the effective date of this Act, and

(2) providing the services related thereto to the categories of persons to which such services were provided before such effective date.

Notwithstanding any other provision of law, the Department of Defense, or any department or agency designated by the President to provide health care services to those categories of persons referred to in this subsection, shall provide such services to such categories of persons on a basis no less favorable than that applied to its own employees and their dependents.

(d) Amounts expended for furnishing services referred to in subsection (c) of this section to persons eligible to receive them, less amounts payable by such persons, shall be fully reimbursable to the department or agency furnishing the services, except to the extent that such expenditures are the responsibility of that department or agency. The appropriations or funds of the Commission shall be available for such reimbursements on behalf of—

(1) employees of the Commission, and

(2) other persons authorized to receive such services who are eligible to receive them pursuant to the Panama Canal Treaty of 1977 and related agreements.

The appropriations or funds of any other department or agency of the United States conducting operations in the Republic of Panama, including the Smithsonian Institution, shall be available for reimbursements on behalf of employees of such department or agency and their dependents.

(e) The appropriations or funds of the Commission, or of any other department or agency of the United States conducting operations in the Republic of Panama, shall be available, in accordance with subsection (d) of this section, to defray the cost of—

(1) health care services to elderly or disabled persons who were eligible to receive such services before the effective date of this Act, less amounts payable by such persons, and

(2) educational services provided by schools in the Republic of Panama, which are not operated by the United States, to persons who were receiving such services at the expense of the Canal Zone Government before the effective date of this Act.

(f) For purposes of the reimbursement of the United States by the Republic of Panama for the salaries and other employment costs of employees of the Commission who are assigned to assist the Republic of Panama in the operation of activities which are transferred to that Government as a result of any provision of the Panama Canal Treaty of 1977 and related agreements, which reimbursement is provided for in paragraph 8 of Article 10 of that Treaty, the Commission shall be deemed to be the United States of America.

(g) Notwithstanding any other provision of law, the President, through the appropriate department or agency of the United States, shall, until January 1, 2000, operate the educational institution known as the "Canal Zone College". Such institution shall continue to provide, insofar as practicable, the level of services which it offered immediately before the effective date of this Act.

Subchapter IV—Postal Matters

POSTAL SERVICE

SEC. 1331. (a) The postal service established and governed by chapter 73 of title 2 of the Canal Zone Code shall be discontinued on October 1, 1979. 22 USC 3741. 76A Stat. 38.

(b) The provisions of chapter 73 of such title 2 relating to postal-savings deposits, postal-savings certificates, postal money orders, and the accounting for funds shall continue to apply for the purpose of meeting the obligations of the United States concerning outstanding postal savings and money orders and disposition of funds.

(c) The Commission shall take possession of and administer the funds of the postal service referred to in subsection (a) of this section and shall assume its obligations. The Commission and the United States Postal Service may enter into agreements for the transfer of funds or property and the assumption of administrative rights or responsibilities with respect to the outstanding obligations of the postal service referred to in subsection (a) of this section. Any transfer or assumption (including any agreement for such transfer or assumption) pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(d) Mail addressed to the Canal Zone from or through the continental United States may be routed by the United States Postal Service to the military post offices of the United States Forces in the Republic of Panama. Such military post offices shall provide the required directory services and shall accept such mail to the extent permitted under the Panama Canal Treaty of 1977 and related agreements. The Commission shall furnish personnel, records, and other services to such military post offices to assure wherever appropriate the distribution, rerouting, or return of such mail.

(e)(1) The second sentence of section 403(a) of title 39, United States Code, is amended by striking out "Except as provided in the Canal Zone Code, the" and inserting in lieu thereof "The".

39 USC 3401.

(2) Section 3401(b) of such title is amended—

(A) by inserting "or" before "the Virgin Islands"; and

(B) by striking out "or the Canal Zone,".

Repeal.
39 USC 3402.

(3)(A) Section 3402 of such title is repealed.

39 USC 3401.

(B) the table of sections for chapter 34 of title 39, United States Code, is amended by repealing the item relating to section 3402.

39 USC 3682.

(4) Section 3682(b)(5) of such title is amended by striking out "the Canal Zone and".

Subchapter V—Accounts With the Republic of Panama

PAYMENTS TO THE REPUBLIC OF PANAMA

22 USC 3751.

SEC. 1341. (a) The Commission shall pay to the Republic of Panama those payments required under paragraph 5 of Article III and paragraph 4 of Article XIII of the Panama Canal Treaty of 1977. Payments made under paragraph 5 of Article III of such Treaty shall be audited annually by the Comptroller General and any overpayment, as determined in accordance with Understanding (1) incorporated in the Resolution of Ratification of the Panama Canal Treaty (adopted by the United States Senate on April 18, 1978), for the services described in that paragraph which are provided shall be refunded by the Republic of Panama or set off against amounts payable by the United States to the Republic of Panama under paragraph 5 of Article III of the Panama Canal Treaty of 1977.

(b) In determining whether operating revenues exceed expenditures for the purpose of payments to the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977, such operating revenues in a fiscal period shall be reduced by (1) all costs of such period as shown by the accounts established pursuant to section 1311 of this Act, and (2) the cumulative sum from prior years (beginning with the year in which the Panama Canal Treaty of 1977 enters into force) of any excess of costs of the Panama Canal Commission over operating revenues.

(c) The President shall not accede to any interpretation of paragraph 1 of Article IX of the Panama Canal Treaty of 1977 which would permit the Republic of Panama to tax retroactively organizations and businesses operating, and citizens of the United States living, in the Canal Zone before the effective date of this Act.

(d) Any accumulated unpaid balance under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977 at the termination of such Treaty shall be payable only to the extent of any operating surplus in the last year of the Treaty's duration, and nothing in such paragraph may be construed as obligating the United States to pay after the date of the termination of the Treaty any such unpaid balance which has accrued before such date.

(e) As provided in section 1602(b) of this Act, tolls shall not be prescribed at rates calculated to cover payments to the Republic of Panama pursuant to paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977. Moreover, no payments may be made to the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977 unless unexpended funds are used to pay all costs of operation and maintenance of the canal, including but not limited to (1) operating expenses determined in accordance with generally accepted accounting principles, (2) payments to the Republic of Panama under paragraphs 4(a) and 4(b) of such Article XIII and under paragraph (5) of Article III of such Treaty, (3) amounts in excess of depreciation and amortization which are programed for plant replacement, expansion, and improvements, (4) payments to the Treasury of the United States under section 1603 of this Act, (5) reimbursement to the Treasury of the United States for costs incurred by other departments and agencies of the United States in providing educational, health, and other services to the Commission, its employees and their dependents, and other categories of persons in accordance with section 1321 of this Act, and (6) any costs of Treaty implementation associated with the maintenance and operation of the Panama Canal.

(f) The prohibitions contained in this section and in sections 1302(c) and 1503 of this Act shall apply notwithstanding any other provision of law authorizing transfers of funds between accounts, reprograming of funds, use of funds for contingency purposes, or waivers of prohibitions.

TRANSACTIONS WITH THE REPUBLIC OF PANAMA

SEC. 1342. The Commission may, on a reimbursable basis, provide to the Republic of Panama materials, supplies, equipment, work, or services, including water and electric power, requested by the Republic of Panama, at such rates as may be agreed upon by the Commission and the Republic of Panama. Payment for such materials, supplies, equipment, work, or services may be made by direct payment by the Republic of Panama to the Commission or by offset against amounts due the Republic of Panama by the United States. 22 USC 3752.

DISASTER RELIEF

SEC. 1343. If an emergency arises because of disaster or calamity by flood, hurricane, earthquake, fire, pestilence, or like cause, not foreseen or otherwise provided for, and occurring in the Republic of Panama in such circumstances as to constitute an actual or potential hazard to health, safety, security, or property in the areas and installations made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, the Commission may expend available funds appropriated to the Commission for such purpose, and utilize or furnish materials, supplies, equipment, and services for relief, assistance, and protection. 22 USC 3753.

CONGRESSIONAL RESTRAINTS ON PROPERTY TRANSFERS AND TAX EXPENDITURES

Rules and regulations.
22 USC 3754.
USC prec. title 1.

SEC. 1344. (a) The Congress enacts this section in the exercise of its authority under Article IV, section 3, clause 2 of the Constitution of the United States to dispose of and make necessary rules and regulations with respect to property of the United States.

(b) Prior to the transfer of property of the United States located in the Republic of Panama to the Republic of Panama pursuant to section 1504 of this Act the President shall formally advise the Government of Panama that—

(1) in fulfilling its obligations under the Panama Canal Treaty of 1977, the United States shall make no payments to the Republic of Panama derived from tax revenues of the United States;

(2) the United States retains full discretion and authority to determine whether and the extent to which tax revenues of the United States may be expended in exercising United States rights and carrying out United States responsibilities under the Panama Canal Treaty of 1977 and related agreements;

(3) no tax revenues of the United States shall be made available for obligations and expenditure after the effective date of this Act for purposes of implementing the Panama Canal Treaty of 1977 and related agreements, unless hereafter specifically approved by the Congress through the authorization and appropriation process;

(4) the total amount expended by the Commission from funds appropriated to or for the use of the Commission shall not exceed the total amount deposited in the Panama Canal Commission Fund; and

(5) the foregoing paragraphs of this subsection do not apply to expenditures made by the United States in fulfilling United States obligations to transfer the remains of our honored dead from Mount Hope Cemetery in the former Canal Zone to an appropriate and dignified resting place in accordance with Reservation 3 to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

CHAPTER 4—CLAIMS FOR INJURIES TO PERSONS OR PROPERTY

Subchapter I—General Provisions

SETTLEMENT OF CLAIMS GENERALLY

22 USC 3761.

SEC. 1401. (a) Subject to the provisions of this chapter, the Commission may adjust and pay claims for injury to, or loss of, property or for personal injury or death, arising from the operation of the Panama Canal or related facilities and appurtenances.

(b) No claim for an amount exceeding $50,000 shall be adjusted and paid by the Commission under the provisions of this subchapter.

(c) An award made to a claimant under this section shall be payable out of any moneys appropriated for or made available to the Commission. The acceptance by the claimant of the award shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of his claim against the United States and against any employee of the United States acting in the course of his employment who is involved in the matter giving rise to the claim.

(d) Except as provided in section 1416 of this Act, no action for damages on claims cognizable under this chapter shall lie against the

United States or the Commission, and no such action shall lie against any officer or employee of the United States. Neither this section nor section 1416 of this Act shall preclude actions against officers or employees of the United States for injuries resulting from their acts outside the scope of their employment or not in the line of their duties, or from their acts committed with the intent to injure the person or property of another.

(e) The provisions of section 1346(b) of title 28, United States Code, and the provisions of chapter 171 of such title shall not apply to claims cognizable under this chapter.

28 USC 2671 *et seq.*

Subchapter II—Vessel Damage

INJURIES IN LOCKS OF CANAL

22 USC 3771.

SEC. 1411. The Commission shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise by reason of their passage through the locks of the Panama Canal under the control of officers or employees of the United States. Damages may not be paid where the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers. If the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the vessel, master, crew, or passengers. Damages may not be allowed and paid for injuries to any protrusion beyond any portion of the hull of a vessel, whether it is permanent or temporary in character. A vessel is considered to be passing through the locks of the Canal, under the control of officers or employees of the United States, from the time the first towing line is made fast on board before entrance into the locks and until the towing lines are cast off upon, or immediately prior to, departure from the lock chamber.

INJURIES OUTSIDE LOCKS

22 USC 3772.

SEC. 1412. The Commission shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels which may arise by reason of their presence in the Panama Canal, or waters adjacent thereto, other than the locks, when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal, and when the amount of the claim does not exceed $120,000. If the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the vessel, master, crew, or passengers. In the case of a vessel which is required by or pursuant to regulations prescribed pursuant to section 1801 of this Act to have a Panama Canal pilot on duty aboard, damages may not be adjusted and paid for injuries to the vessel, or its cargo, crew, or passengers, incurred while the vessel was underway and in motion, unless at the time the injuries were incurred the navigation or movement of the vessel was under the control of a Panama Canal pilot.

MEASURE OF DAMAGES GENERALLY

22 USC 3773. SEC. 1413. In determining the amount of the award of damages for injuries to a vessel for which the Commission is determined to be liable, there may be included—

(1) the actual or estimated cost of repairs;

(2) charter hire actually lost by the owners, or charter hire actually paid, depending upon the terms of the charter party, for the time the vessel is undergoing repairs;

(3) maintenance of the vessel and wages of the crew, if they are found to be actual additional expenses or losses incurred outside of the charter hire; and

(4) other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries.

Agent's fees, or commissions, or other incidental expenses of similar character, or any items which are indefinite, indeterminable, speculative, or conjectural may not be allowed. The Commission shall be furnished such vouchers, receipts, or other evidence as may be necessary in support of any item of a claim. If a vessel is not operated under charter but by the owner directly, evidence shall be secured if available as to the sum for which vessels of the same size and class can be chartered in the market. If the charter value cannot be determined, the value of the vessel to its owners in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damages for the vessel's detention; and the books of the owners showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be necessary.

DELAYS FOR WHICH NO RESPONSIBILITY IS ASSUMED

22 USC 3774. SEC. 1414. The Commission is not responsible, and may not consider any claim, for demurrage or delays caused by—

(1) landslides or other natural causes;

(2) necessary construction or maintenance work on Canal locks, terminals, or equipment;

(3) obstruction arising from accidents;

(4) time necessary for admeasurement;

(5) congestion of traffic;

(6) time necessary for investigation of marine accidents; or

(7) except as specially set forth in this subchapter, any other cause.

SETTLEMENT OF CLAIMS

22 USC 3775. SEC. 1415. (a) Subject to subsection (b) of this section, the Commission, by mutual agreement, compromise, or otherwise, may adjust and determine the amounts of the respective awards of damages pursuant to this subchapter. Such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal. Acceptance by a claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States.

(b) The Commission shall not adjust and pay any claim for damages for injuries arising by reason of the presence of the vessel in the Panama Canal or adjacent waters outside the locks where the amount of the claim exceeds $120,000 but shall submit the claim to the Congress in a special report containing the material facts and the recommendation of the Commission thereon.

ACTIONS ON CLAIMS

SEC. 1416. A claimant for damages pursuant to section 1411 of this Act who considers himself aggrieved by the findings, determination, or award of the Commission in reference to his claim may bring an action on the claim against the Commission in the United States District Court for the Eastern District of Louisiana. Subject to the provisions of this chapter and of applicable regulations issued pursuant to section 1801 of this Act relative to navigation of the Panama Canal and adjacent waters, such actions shall proceed and be heard by the court without a jury according to the principles of law and rules of practice obtaining generally in like cases between a private party and a department or agency of the United States. Any judgment obtained against the Commission in an action under this subchapter shall be paid out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal. An action for damages cognizable under this section shall not otherwise lie against the United States or the Commission, nor in any other court, than as provided in this section; nor may it lie against any officer or employee of the United States or of the Commission. 22 USC 3776.

INVESTIGATION OF ACCIDENT OR INJURY GIVING RISE TO CLAIM

SEC. 1417. Notwithstanding any other provision of law, a claim may not be considered under this subchapter, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved— 22 USC 3777.

(1) an investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and

(2) the basis for the claim has been laid before the Commission.

BOARD OF LOCAL INSPECTORS

SEC. 1418. (a) The President shall provide for the establishment of a Board of Local Inspectors of the Panama Canal Commission which shall perform, in accordance with regulations prescribed by the President— Regulations. 22 USC 3778.

(1) the investigations required by section 1417 of this Act; and

(2) such other duties with respect to marine matters as may be assigned by the President.

(b) In conducting any investigation pursuant to subsection (a) of this section, the Board of Local Inspectors established pursuant to such subsection may summon witnesses, administer oaths, and require the production of books and papers necessary for such investigation. Investigations.

CHAPTER 5—PUBLIC PROPERTY

ASSETS AND LIABILITIES OF PANAMA CANAL COMPANY

SEC. 1501. All property and other assets of the Panama Canal Company shall revert to the United States on the effective date of this Act, and, except as otherwise provided by law, the United States shall assume the liabilities, including contractual obligations, of the Panama Canal Company then outstanding. The Commission may use such property, facilities, and records of the Panama Canal Company as are necessary to carry out its functions. 22 USC 3781.

TRANSFERS AND CROSS-SERVICING BETWEEN AGENCIES

22 USC 3782.

SEC. 1502. (a) In the interest of economy and maximum efficiency in the utilization of property and facilities of the United States, there are authorized to be transferred between departments and agencies of the United States, with or without reimbursement, such facilities, buildings, structures, improvements, stock, and equipment located in the Republic of Panama, and used for their activities therein, as may be mutually agreed upon by the departments and agencies involved and approved by the President of the United States or his designee.

(b) The Commission may enter into cross-servicing agreements with any other department or agency of the United States for the use of facilities, furnishing of services, or performance of functions.

(c) The Commission, any department or agency of the United States, or any United States court in the Republic of Panama is authorized to transfer to the Government of the Republic of Panama any record of such Commission, department, agency, or court, or copy thereof, including any record acquired from the Canal Zone Government or Panama Canal Company (including any vital statistics record), to any other department, agency, or court of the United States if such action is determined by the Commission, the head of the department or agency concerned, or the judge of the court concerned to be in the interest of the United States. Transfer of any record or copy thereof under this section to the Government of the Republic of Panama shall be made under the coordination of and with the approval of the United States Ambassador to the Republic of Panama.

(d) The provisions of this section shall apply to the Smithsonian Institution.

DISPOSITION OF PROPERTY OF THE UNITED STATES

22 USC 3783.

SEC. 1503. No property of the United States located in the Republic of Panama may be disposed of except pursuant to law enacted by the Congress.

TRANSFER OF PROPERTY TO PANAMA

22 USC 3784.

SEC. 1504. (a)(1) On the date on which the Panama Canal Treaty of 1977 enters into force, the Secretary of State may convey to the Republic of Panama the Panama Railroad and such property located in the area which, immediately before such date, comprised the Canal Zone and which is not within the land and water areas the use of which is made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.

(2) Property transferred pursuant to paragraph (1) of this subsection may not include buildings and other facilities, except housing, located outside such areas, the use of which is retained by the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.

Report to Congress.

(b) With respect to the transfer of all other property (not described in subsection (a)(1) of this section) to be transferred in accordance with the terms of the Panama Canal Treaty of 1977 and related agreements, the Secretary of State may convey such property from time to time in accordance with the terms of such Treaty and related agreements. At least 180 days before the transfer of any such property, the President must submit a written report to the Congress—

(1) precisely identifying and describing the particular property to be transferred;

(2) certifying the state of compliance by the Republic of Panama with such Treaty and related agreements; and

(3) setting forth the reasons for the conveyance being made at the particular time.

(c) The Panama Canal, and such other property referred to in paragraph 2(d) of Article XIII of the Panama Canal Treaty of 1977 that has not been previously transferred in accordance with paragraphs 2(a), 2(b), and 2(c) of such Article, shall not be transferred to the Republic of Panama prior to December 31, 1999.

Chapter 6—Tolls for Use of the Panama Canal

PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

Sec. 1601. (a) The President is authorized, subject to the provisions of this chapter, to prescribe and from time to time change— 22 USC 3791.

(1) the rules for the measurement of vessels for the Panama Canal; and

(2) the tolls that shall be levied for the use of the Canal.

(b) Such rules of measurement and tolls prevailing on the effective date of this Act shall continue in effect until changed as provided in this chapter.

BASES OF TOLLS

Sec. 1602. (a) Tolls on merchant vessels, army and navy transports, colliers, tankers, hospital ships, supply ships, and yachts shall be based on net vessel tons of one hundred cubic feet each of actual earning capacity determined in accordance with the rules for the measurement of vessels for the Panama Canal, and tolls on other floating craft shall be based on displacement tonnage. The tolls on vessels in ballast without passengers or cargo may be less than the tolls for vessels with passengers or cargo. 22 USC 3792.

(b) Tolls shall be prescribed at rates calculated to produce revenues to cover as nearly as practicable all costs of maintaining and operating the Panama Canal, together with the facilities and appurtenances related thereto, including unrecovered costs incurred on or after the effective date of this Act, interest, depreciation, payments to the Republic of Panama pursuant to paragraph 5 of Article III and paragraph 4 (a) and (b) of Article XIII of the Panama Canal Treaty of 1977, and capital for plant replacement, expansion, and improvements. Tolls shall not be prescribed at rates calculated to produce revenues sufficient to cover payments to the Republic of Panama pursuant to paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977.

(c) Vessels operated by the United States, including vessels of war and auxiliary vessels, and ocean-going training ships owned by the United States and operated by State nautical schools, shall pay tolls. United States vessels.

(d) The levy of tolls is subject to the provisions of section 1 of Article III of the treaty between the United States of America and Great Britain signed November 18, 1901, of Article I of the treaty between the United States of America and the Republic of Colombia signed April 6, 1914, and of Articles II, III, and VI of the Treaty Concerning Permanent Neutrality and Operation of the Panama Canal, between the United States of America and the Republic of Panama, signed September 7, 1977.

CALCULATION OF INTEREST

22 USC 3793.

SEC. 1603. (a) For purposes of sections 1311 and 1602 of this Act, interest shall be computed, at a rate determined by the Secretary of the Treasury, on the investment of the United States in the Panama Canal as shown in the accounts of the Panama Canal Company at the close of business on the day preceding the effective date of this Act, and as adjusted in accordance with subsections (b) and (c) of this section. Capital investment for interest purposes shall not include any interest during construction.

(b) The investment of the United States described in subsection (a) of this section—

(1) shall be increased by—

(A) the amount of expenditures from appropriations to the Commission made on or after the effective date of this Act, and

(B) the value of property transferred to the Commission by any other department or agency of the United States, as determined in accordance with subsection (c) of this section; and

(2) shall be decreased by—

(A) the amount of the funds covered into the Treasury pursuant to section 1302 of this Act.

(B) the value of property transferred to the Republic of Panama pursuant to this or any other Act on or after the date on which the Panama Canal Treaty of 1977 enters into force, and

(C) the value of property transferred by the Commission to any other department or agency of the United States.

(c) The value of property transferred to the Commission by any other department or agency of the United States shall be determined by the Director of the Office of Management and Budget. In computing such value, such Director shall give due consideration to the cost and probable earning power of the transferred property, or the usable value to the Commission if clearly less than cost, and shall make adequate provisions for depreciation, obsolesence, and other determinable decreases in value. Insofar as practicable, the value of such transferred property shall exclude any portion of such value properly allocable to national defense.

PROCEDURES

Publication in Federal Register.
22 USC 3794.
Hearing.

SEC. 1604. (a) The Commission shall publish in the Federal Register notice of any proposed change in the rules of measurement or rates of tolls referred to in section 1601(a) of this Act. The Commission shall give interested parties an opportunity to participate in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the notice. The notice shall include the substance of the proposed change and a statement of the time, place, and nature of the proceedings. At the time of publication of such notice, the Commission shall make available to the public an analysis showing the basis and justification for the proposed change, which, in the case of a change in rates of tolls, shall indicate the conformity of the existing and proposed rates of tolls with the requirements of section 1602 of this Act, and the Commission's adherence to the requirement for full consideration of the following factors set forth in Understanding (1) incorporated in the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (adopted by the United States Senate on March 16, 1978):

(1) the costs of operating and maintaining the Panama Canal;

(2) the competitive position of the use of the Canal in relation to other means of transportation;

(3) the interests of the United States and the Republic of Panama in maintaining their domestic fleets;

(4) the impact of such a change in rates of tolls on the various geographical areas of each of the two countries; and

(5) the interests of both countries in maximizing their international commerce.

Publication in Federal Register.

(b) After consideration of the relevant matter presented, the Commission may revise the proposed rules of measurement or rates of tolls, as the case may be, except that, in the case of rates of tolls, if such revision proposes rates greater than those originally proposed, a new analysis of the proposed rates shall be made available to the public, and a new notice of the revised proposal shall be published in the Federal Register apprising interested persons of the opportunity to participate further in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the new notice. The procedure set forth in this subsection shall be followed for any subsequent revision of the proposed rates of tolls by the Commission which proposes rates higher than those in the preceding proposal.

Publication in Federal Register.

(c) After the proceedings have been conducted pursuant to subsections (a) and (b) of this section, the Commission shall publish in the Federal Register a notice of the changes in the rules of measurement or rates of tolls, as the case may be, to be recommended to the President.

Recommendations to President.

(d) Upon publication of the notice pursuant to subsection (c) of this section, the Commission shall forward a complete record of the proceedings, with the recommendation of the Commission, to the President for his consideration. The President may approve, disapprove, or modify any or all of the changes in the rules of measurement or rates of tolls recommended by the Commission.

Effective date.

(e) Rules of measurement or rates of tolls prescribed by the President pursuant to this chapter shall take effect on a date prescribed by the President which is not less than 30 days after the President publishes such rules or rates in the Federal Register.

(f) Action to change the rules of measurement for the Panama Canal or the rates of tolls for the use of the Canal pursuant to this chapter shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.

5 USC 701 *et seq.*

INTERIM TOLL ADJUSTMENT

22 USC 3795.

SEC. 1605. (a) After the effective date of this section, the Panama Canal Company or the Commission may, without regard to the procedures set forth in section 1604 of this Act for making changes in tolls by the Commission and the President, change the rates of tolls calculated to cover the cost of maintaining and operating the Panama Canal during the fiscal year beginning on October 1, 1979. Such rates shall be calculated in accordance with the provisions of section 1602(b) of this Act. Any such change in rates of tolls shall be subject to the approval of the President whose action in the matter shall be final. Any change in rates of tolls approved by the President shall become effective on a date prescribed by the President.

Effective date. 22 USC 3795 note.

(b) This section shall take effect on the date of the enactment of this Act.

CHAPTER 7—GENERAL REGULATIONS

AUTHORITY OF PRESIDENT

22 USC 3801.

SEC. 1701. The President may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

(1) the use of aircraft;

(2) the possession and use of alcoholic beverages;

(3) exclusion and removal of persons; and

(4) health and sanitation.

AUTHORITY OF COMMISSION

22 USC 3802.

SEC. 1702. The Commission may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

(1) the keeping and impounding of domestic animals;

(2) fire prevention;

(3) the sale or use of fireworks;

(4) the use of roads and highways;

(5) photographing of areas, objects, installations, or structures;

(6) swimming in the Panama Canal and adjacent waters; and

(7) the protection of wildlife, hunting, and fishing.

CHAPTER 8—SHIPPING AND NAVIGATION

Subchapter I—Operation of Canal

OPERATING REGULATIONS

22 USC 3811.

SEC. 1801. The President may prescribe, and from time to time amend, regulations governing—

(1) the operation of the Panama Canal;

(2) the navigation of the harbors and other waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal;

(3) the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto;

(4) pilotage in the Panama Canal or the approaches thereto through the adjacent waters; and

(5) the licensing of officers or other operators of vessels navigating the waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal.

Subchapter II—Inspection of Vessels

VESSELS SUBJECT TO INSPECTION

22 USC 3821.

SEC. 1811. With the exception of private vessels merely transiting the Panama Canal, and of public vessels of all nations, vessels navigating the waters of the Panama Canal shall be subject to an annual inspection of hulls, boilers, machinery, equipment, and passenger accommodations.

FOREIGN VESSELS

SEC. 1812. With respect to a foreign vessel of a country which has inspection laws approximating those of the United States, any such vessel having an unexpired certificate of inspection duly issued by the authorities of such country shall not be subject to an inspection other than that necessary to determine whether the vessel, its boilers, and its lifesaving equipment are as stated in the certificate of inspection. A certificate of inspection may not be accepted as evidence of lawful inspection under this section unless similar privileges are granted to vessels of the United States under the laws of the country to which the vessel belongs. 22 USC 3822.

REGULATIONS GOVERNING INSPECTION

SEC. 1813. The Commission shall prescribe, and from time to time may amend, regulations concerning the inspection of vessels conforming as nearly as practicable to the laws and regulations governing marine inspection by the United States Coast Guard. 22 USC 3823.

TITLE II—TREATY TRANSITION PERIOD

CHAPTER 1—LAWS CONTINUED IN FORCE

LAWS, REGULATIONS, AND ADMINISTRATIVE AUTHORITY

SEC. 2101. To the extent not inconsistent with the Panama Canal Treaty of 1977 and related agreements and the provisions of this Act, the Canal Zone Code and other laws, regulations, and administrative authority of the United States applicable in the Canal Zone immediately before the date on which the Panama Canal Treaty of 1977 enters into force shall continue in force for the purpose of the exercise by the United States of law enforcement and judicial jurisdiction during the transition period provided for in Article XI of the Panama Canal Treaty of 1977 (hereinafter in this Act referred to as the "transition period"). 22 USC 3831.

CHAPTER 2—COURTS

JURISDICTION

SEC. 2201. (a) During the transition period, the jurisdiction of the United States District Court for the District of the Canal Zone and the magistrates' courts under title 3 of the Canal Zone Code shall be continued, subject to the limitations set forth in Article XI of the Panama Canal Treaty of 1977. 22 USC 3841.

(b) For purposes of the exercise of the jurisdiction provided in Article XI of the Panama Canal Treaty of 1977, the United States District Court and magistrates' courts referred to in subsection (a) of this section shall construe the terms "United States citizen employees", "members of the United States Forces", "civilian component", and "dependents" as such terms are defined in the Panama Canal Treaty of 1977 and related agreements, and shall construe the term "areas and installations made available for the use of the United States" to mean (1) the Panama Canal operating areas and housing areas described in Annex A to the Agreement in Implementation of Article III of the Panama Canal Treaty, (2) the Ports of Balboa and Cristobal described in Annex B to that Agreement, and (3) the defense sites and Military Areas of Coordination described in Annex A to the Agreement in Implementation of Article IV of the Panama Canal Treaty.

DIVISION AND TERMS OF DISTRICT COURT

22 USC 3842.

SEC. 2202. The United States District Court for the District of the Canal Zone may conduct its affairs at such places within the areas made available for the use of the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, and at such times, as the district judge may designate by rule or order.

TERMS OF CERTAIN OFFICES

22 USC 3843.
76A Stat. 52-54.

SEC. 2203. (a) Notwithstanding the provisions of sections 5, 41, 45, and 82 of title 3 of the Canal Zone Code, the term of office of a district judge, magistrate, United States attorney, or United States marshal shall extend for a period of 30 months beginning on the date on which the Panama Canal Treaty of 1977 enters into force, and any such term shall be subject to such extension of time as may be provided for the disposition of pending cases by agreement between the United States and the Republic of Panama, pursuant to the last sentence of paragraph 7 of Article XI of the Panama Canal Treaty of 1977.

Effective date.
22 USC 3843 note.

(b) The provisions of this section shall take effect on the date of the enactment of this Act.

RESIDENCE REQUIREMENTS

Repeal.
76A Stat. 52.
76A Stat. 53.

SEC. 2204. Section 5(d), 7(d), 41(d), and 45(d) of title 3 of the Canal Zone Code, the second sentence of section 42 of such title, and the second sentence of section 82(c) of such title, which provisions require that certain court officials reside in the Canal Zone, are repealed.

SPECIAL DISTRICT JUDGE

76A Stat. 52.

SEC. 2205. (a) Section 6 of title 3 of the Canal Zone Code is amended to read as follows:

"§ 6. Special district judge

"The chief judge of the judicial circuit of the United States in which the district court lies may designate and assign a special district judge to act when necessary—

"(1) during the absence of the district judge;

"(2) during the disability or disqualification of the district judge because of sickness or otherwise to discharge his duties; or

"(3) when there is a vacancy in the office of district judge.".

(b) Each designation and assignment by the chief judge under section 6 of title 3 of the Canal Zone Code, as amended by subsection (a) of this section, shall be made in accordance with chapter 13 of title 28, United States Code, which shall be deemed to apply for such purposes.

28 USC 291 *et seq*.

MAGISTRATES' COURTS

22 USC 3844.
76A Stat. 54.

SEC. 2206. (a) The two magistrates' courts established pursuant to section 81 of title 3 of the Canal Zone Code and existing immediately before the date on which the Panama Canal Treaty of 1977 enters into force shall continue in operation during the transition period unless terminated during such period under subsection (b) of this section.

(b) During the transition period, the President may terminate one magistrate's court, together with the positions of magistrate and constable corresponding thereto, if the President determines that the workload is insufficient to warrant continuance of that court. If one of the magistrates' courts is so terminated, the remaining magistrate's court shall exercise the jurisdiction that otherwise would have been exercised by the terminated court and shall take custody of and administer all records of the terminated court.

CHAPTER 3—ATTORNEYS

OATH OF ATTORNEYS

SEC. 2301. (a) Section 543 of title 3 of the Canal Zone Code is amended to read as follows: 76A Stat. 72.

"§ 543. Oath of attorneys admitted to bar

"Before receiving a certificate the applicant shall take and subscribe in court an appropriate oath prescribed by the district judge.".

(b) The table of sections for chapter 17 of title 3 of the Canal Zone Code is amended by amending the item relating to section 543 to read as follows:

"543. Oath of attorneys admitted to bar.".

CHAPTER 4—TRANSITION AUTHORITY

TRANSITION AUTHORITY OF PRESIDENT

SEC. 2401. Except as expressly provided to the contrary in this or any other Act, or in the Panama Canal Treaty of 1977 and related agreements, any authority necessary for the exercise during the transition period of the rights and responsibilities of the United States specified in Article XI of the Panama Canal Treaty of 1977 shall be vested in the President. 22 USC 3851.

PRISONS; PAROLE; PARDONS

SEC. 2402. (a) Subsection (c) of section 6503 of title 6 of the Canal Zone Code is amended to read as follows: 76A Stat. 556.

"(c) Pursuant to the provisions of section 5003 of title 18, United States Code, the Governor may contract with the Attorney General of the United States for the transfer to the custody of the Attorney General of prisoners sentenced by the United States District Court for the District of the Canal Zone to terms of imprisonment in excess of one year.".

(b) After entry into force of the Panama Canal Treaty of 1977— 22 USC 3852.

(1) all prisoners imprisoned in United States prisons pursuant to contracts entered into pursuant to subsection (c) of section 6503 of title 6 of the Canal Zone Code, as amended by subsection (a) of this section, shall be committed to the custody of the Attorney General as if committed in accordance with part III of title 18, United States Code;

(2) all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment of one year or less, shall be committed to the custody of the Commission; and

(3) the Commission shall prescribe, and from time to time may amend, regulations providing for the management of prisoners in the jails located in the areas and installations made available

for the use of the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, including provisions for treatment, care, assignment for work, discipline, and welfare.

(c) After the entry into force of the Panama Canal Treaty of 1977, all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment in excess of one year, shall be committed to the custody of the Attorney General pursuant to parts III and IV of title 18, United States Code.

Repeal.
76A Stat. 555.

(d)(1) Sections 6501 through 6505 of title 6 of the Canal Zone Code are repealed.

(2) The table of sections for chapter 351 of title 6 of the Canal Zone Code is amended by repealing the items relating to sections 6501 through 6505.

Effective date.
22 USC 3852 note.

(e) Subsections (c) and (d) of this section shall take effect 90 days after entry into force of the prisoner transfer agreement referred to in paragraph 11 of Article IX of the Panama Canal Treaty of 1977 but in no event later than 90 days prior to the end of the transition period.

Repeal.
76A Stat. 557.

(f)(1) Chapter 355 of title 6 of the Canal Zone Code is repealed.

(2) The table of chapters for part 3 of title 6 of the Canal Zone Code is amended by repealing the item relating to chapter 355.

TITLE III—GENERAL PROVISIONS

Chapter 1—Cemeteries

DISINTERMENT, TRANSPORTATION, AND REINTERMENT OF REMAINS

Appropriation authorization.
22 USC 3861.

Sec. 3101. (a) There are authorized to be appropriated for the fiscal year beginning October 1, 1979, and subsequent fiscal years, such sums as may be necessary to carry out the purposes and provisions of Reservation (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, adopted by the United States Senate on March 16, 1978, such sums to be made available to those agencies that are directed and empowered by the President to carry out such purposes and provisions.

(b) With regard to remains that are to be reinterred in the United States, the United States shall not bear the cost of funeral home services, vaults, plots, or crypts unless otherwise provided for by law.

Chapter 2—Immigration

SPECIAL IMMIGRANTS

Sec. 3201. (a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), relating to the definition of special immigrants, is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon; and

(3) by adding after subparagraph (D) the following new subparagraphs:

"(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3(a)(1) of the Panama Canal Act of 1979) enters into force, who was resident in

Ante, p. 455.

the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty, and who has performed faithful service as such an employee for one year or more;

"(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force, has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment; or

"(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977, who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment.".

(b) Section 212(d) of such Act (8 U.S.C. 1182(d)), relating to waivers of conditions of inadmissibility to the United States, is amended by adding after paragraph (8) the following new paragraphs:

"(9) The provisions of paragraph (7) of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraph (E), (F), or (G) of section 101(a)(27).

8 USC 1101.

"(10) The provisions of paragraph (15) of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraph (E), (F), or (G) of section 101(a)(27) and who applies for admission as such a special immigrant not later than March 31, 1982.".

8 USC 1101 note.

(c) Notwithstanding any other provision of law, not more than 15,000 individuals may be admitted to the United States as special immigrants under subparagraphs (E), (F), and (G) of section 101(a)(27) of the Immigration and Nationality Act, as added by subsection (a) of this section, of which not more than 5,000 may be admitted in any fiscal year.

Effective date.
8 USC 1101 note.
8 USC 1182 note.
Supra.

(d)(1) The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Paragraph (9) of section 212(d) of the Immigration and Nationality Act, as added by subsection (b) of this section, shall cease to be effective at the end of the transition period.

CHAPTER 3—REPORTS; AMENDMENTS; REPEALS AND REDESIGNATION; EFFECTIVE DATE

REPORT

22 USC 3871.

SEC. 3301. Until the termination of the Panama Canal Treaty of 1977, the President shall report annually on the status of the exercise of the rights and responsibilities of the United States under that Treaty. Such report shall include a discussion of the following:

(1) The actions taken by the Government of the Republic of Panama with respect to the living conditions of persons who resided in the Canal Zone before the effective date of this Act and who continue to reside in those areas made available to the

United States under the Agreement in Implementation of Article III of the Panama Canal Treaty.

(2) The terms, conditions, and charges for land-use licenses within the canal operating areas specified in the Agreement in Implementation of Article III of the Panama Canal Treaty.

(3) The condition of former employees (and their dependents) of the Panama Canal Company and the Canal Zone Government who reside in the Republic of Panama on or after the effective date of this Act.

AMENDMENTS

SEC. 3302. (a) Section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191), is amended—

(1) by striking out the second paragraph; and

(2) in subsection (b) of the last paragraph, by striking out ", the Canal Zone,".

(b) Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195), is amended by striking out "the Canal Zone and".

(c) The first section of the Act of August 9, 1954 (50 U.S.C. 196), is amended by striking out ", including the Canal Zone,".

(d) The Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1974 (87 Stat. 636 et seq.) is amended by striking out the heading "PAYMENT TO THE REPUBLIC OF PANAMA" and all that follows that relates to the heading.

(e) Title 5, United States Code, is amended—

(1) in sections 305(a)(7), 5102(a)(1)(vii), 5342(a)(1)(G), 5348(b), and 5541(2)(xii), by striking out "Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(2) in sections 5504(a)(A) and 6301(2)(iv), by striking out "Canal Zone Government or the Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(3) in section 8335(e), by striking out "Panama Canal Company or the Canal Zone Government" and inserting in lieu thereof "Panama Canal Commission";

(4) in section 5373(1), by striking out "section 121 of title 2, Canal Zone Code (76A Stat. 15)" and inserting in lieu thereof "section 1202 of the Panama Canal Act of 1979";

(5) in section 6323(c)(2)(B), by striking out "the Canal Zone,";

(6) in section 5102(c), by amending paragraph (12) to read as follows:

"(12) any Executive agency to the extent of any election under section 1212(b)(2) (relating to the Panama Canal Employment System) of the Panama Canal Act of 1979;";

(7) in section 5583(b), by—

(A) adding "and" at the end of paragraph (1);

(B) striking out paragraph (2); and

(C) redesignating paragraph (3) as paragraph (2);

(8) in section 5533(d)(7), by—

(A) striking out the semicolon at the end of subparagraph (E) and inserting in lieu thereof "; or";

(B) striking out "; or" at the end of subparagraph (F) and inserting in lieu thereof a period; and

(C) striking out subparagraph (G);

(9) in section 8146—

(A) by striking out "Canal Zone" in the catchline and inserting in lieu thereof "Panama Canal Commission";

(B) in subsection (a)(1), by striking out "Canal Zone Government and of the Panama Canal Company are concerned to the Governor of the Canal Zone" and inserting in lieu thereof "Panama Canal Commission are concerned to the Commission";

(C) in the first sentence of subsection (b), by striking out "Canal Zone Government" and inserting "Panama Canal Commission" in lieu thereof;

(D) in the first sentence of subsection (b), by striking out "or from funds of the Panama Canal Company";

(E) in the second sentence of subsection (b), by striking out "Governor of the Canal Zone" and inserting "Panama Canal Commission" in lieu thereof and by striking out "Canal Zone Government" and inserting "Panama Canal Commission" in lieu thereof;

(F) by amending subsection (c) to read as follows:

"(c) The President may authorize the Panama Canal Commission to waive, at its discretion, the making of the claim required by section 8121 of this title in the case of compensation to an employee of the Panama Canal Commission for temporary disability, either total or partial."; and 5 USC 8146.

(G) in subsection (e), by striking out "Canal Zone Government and of the Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(10) in section 5343(a)(5), by striking out "Canal Zone" and inserting in lieu thereof "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)."; *Ante*, p. 54.

(11) in section 5316(87), by striking out "Governor of the Canal Zone" and inserting in lieu thereof "Administrator of the Panama Canal Commission"; and

(12) in the table of sections for chapter 81, by striking out "Canal Zone" in the item relating to section 8146 and inserting in lieu thereof "Panama Canal Commission".

REPEALS AND REDESIGNATION

SEC. 3303. (a) The following provisions of law are repealed:

(1) title 2 of the Canal Zone Code; 76A Stat. 6.

(2) sections 2 and 3 of title 3 of the Canal Zone Code, and the items relating to such sections in the table of sections for chapter 1 of title 3 of the Canal Zone Code; 76A Stat. 51.

(3) subchapter III of chapter 237 of title 6 of the Canal Zone Code and the items relating to such subchapter in the table of sections for chapter 237 of such title; 76A Stat. 414.

(4) subsection (d) of section 38 of the Arms Export Control Act (22 U.S.C. 2778(d)); and

(5) section 4 of the Act of November 15, 1941 (50 U.S.C. 191b).

(b) Those provisions of the Canal Zone Code not repealed by this Act are redesignated as the "Panama Canal Code". Any reference to the Canal Zone Code in those laws and regulations referred to in section 3(b) of this Act shall, subject to the provisions of such section, be deemed to refer to the Panama Canal Code. 22 USC 3602 note.

EFFECTIVE DATE

22 USC 3601 note.

SEC. 3304. Except as provided in sections 1231, 1232, 1241, 1242, 1261, 1605, 2203, 2402, 3101, and 3201 of this Act, the preceding provisions of this Act shall take effect on the date on which the Panama Canal Treaty of 1977 enters into force.

Approved September 27, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-98, pt. I and No. 96-98, pt. 2 (Comm. on Merchant Marine and Fisheries) and Nos. 96-438 and 96-473 (Comm. of Conference).
SENATE REPORTS: No. 96-255 (Comm. on Armed Services) and Nos. 96-320 and 96-330 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- May 21, June 20, 21, considered and passed House.
- July 26, considered and passed Senate, amended.
- Sept. 19, 20, Senate considered and agreed to conference report.
- Sept. 20, House considered and rejected conference report.
- Sept. 25, Senate agreed to second conference report.
- Sept. 26, House agreed to second conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 39:
- Sept. 27, Presidential statement.

Public Law 96-71
96th Congress

Joint Resolution

To provide for a temporary extension of certain Federal Housing Administration authorities, and for other purposes.

Sept. 28, 1979
[S.J. Res. 105]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Mortgage insurance authorizations, extension.

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE AUTHORITIES

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1979" in the first sentence and inserting in lieu thereof "November 1, 1979". 12 USC 1703.

(b) Section 217 of such Act is amended by striking out "September 30, 1979" and inserting in lieu thereof "October 31, 1979". 12 USC 1715h.

(c) Section 221(f) of such Act is amended by striking out "September 30, 1979" in the fifth sentence and inserting in lieu thereof "October 31, 1979". 12 USC 1715*l*.

(d) Section 235(m) of such Act is amended by striking out "September 30, 1979" and inserting in lieu thereof "October 31, 1979". 12 USC 1715z.

(e) Section 236(n) of such Act is amended by striking out "September 30, 1979" and inserting in lieu thereof "October 31, 1979". 12 USC 1715z-1.

(f) Section 244(d) of such Act is amended— 12 USC 1715z-9.

(1) by striking out "September 30, 1979" in the first sentence and inserting in lieu thereof "October 31, 1979"; and

(2) by striking out "October 1, 1979" in the second sentence and inserting in lieu thereof "November 1, 1979".

(g) Section 245 of such Act is amended by striking out "September 30, 1979" where it appears and inserting in lieu thereof "October 31, 1979". 12 USC 1715z-10.

(h) Section 809(f) of such Act is amended by striking out "September 30, 1979" in the second sentence and inserting in lieu thereof "October 31, 1979". 12 USC 1748h-1.

(i) Section 810(k) of such Act is amended by striking out "September 30, 1979" in the second sentence and inserting in lieu thereof "October 31, 1979". 12 USC 1748h-2.

(j) Section 1002(a) of such Act is amended by striking out "September 30, 1979" in the second sentence and inserting in lieu thereof "October 31, 1979". 12 USC 1749bb.

(k) Section 1101(a) of such Act is amended by striking out "September 30, 1979" in the second sentence and inserting in lieu thereof "October 31, 1979". 12 USC 1749aaa.

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by

12 USC 1701.

striking out "October 1, 1979" and inserting in lieu thereof "November 1, 1979".

EXTENSION OF EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

12 USC 1723e note.

SEC. 3. Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "October 1, 1979" and inserting in lieu thereof "November 1, 1979".

REHABILITATION LOANS

42 USC 1452b.

SEC. 4. Section 312(h) of the Housing Act of 1964 is amended—

(1) by striking out "September 30, 1979" and inserting in lieu thereof "October 31, 1979"; and

(2) by striking out "October 1, 1979" and inserting in lieu thereof "November 1, 1979".

EXTENSION OF RURAL HOUSING AUTHORITIES

42 USC 1483.

SEC. 5. (a) Section 513 of the Housing Act of 1949 is amended by striking out "September 30, 1979" where it appears in clauses (b), (c), and (d) and inserting in lieu thereof "October 31, 1979".

42 USC 1485.

(b) Section 515 of such Act is amended by striking out "September 30, 1979" where it appears in paragraph (b)(5) and inserting in lieu thereof "October 31, 1979".

42 USC 1487.

(c) Section 517(a)(1) of such Act is amended by striking out "September 30, 1979" and inserting in lieu thereof "October 31, 1979".

42 USC 1490c.

(d) Section 523(f) of such Act is amended—

(1) by striking out "October 1, 1979" where it appears in paragraph (f) and inserting in lieu thereof "November 1, 1979"; and

(2) by striking out "September 30, 1979" where it appears in such paragraph (f) and inserting in lieu thereof "October 31, 1979".

Approved September 28, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 25, considered and passed Senate.
Sept. 26, considered and passed House.

Public Law 96-72
96th Congress

An Act

Sept. 29, 1979
[S. 737]

To provide authority to regulate exports, to improve the efficiency of export regulation, and to minimize interference with the ability to engage in commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Export Administration Act of 1979.

SHORT TITLE

50 USC app. 2401 note.

SECTION 1. This Act may be cited as the "Export Administration Act of 1979".

FINDINGS

50 USC app. 2401.

SEC. 2. The Congress makes the following findings:

(1) The ability of United States citizens to engage in international commerce is a fundamental concern of United States policy.

(2) Exports contribute significantly to the economic well-being of the United States and the stability of the world economy by increasing employment and production in the United States, and by strengthening the trade balance and the value of the United States dollar, thereby reducing inflation. The restriction of exports from the United States can have serious adverse effects on the balance of payments and on domestic employment, particularly when restrictions applied by the United States are more extensive than those imposed by other countries.

(3) It is important for the national interest of the United States that both the private sector and the Federal Government place a high priority on exports, which would strengthen the Nation's economy.

(4) The availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States.

(5) Exports of goods or technology without regard to whether they make a significant contribution to the military potential of individual countries or combinations of countries may adversely affect the national security of the United States.

(6) Uncertainty of export control policy can curtail the efforts of American business to the detriment of the overall attempt to improve the trade balance of the United States.

(7) Unreasonable restrictions on access to world supplies can cause worldwide political and economic instability, interfere with free international trade, and retard the growth and development of nations.

(8) It is important that the administration of export controls imposed for national security purposes give special emphasis to the need to control exports of technology (and goods which

contribute significantly to the transfer of such technology) which could make a significant contribution to the military potential of any country or combination of countries which would be detrimental to the national security of the United States.

(9) Minimization of restrictions on exports of agricultural commodities and products is of critical importance to the maintenance of a sound agricultural sector, to achievement of a positive balance of payments, to reducing the level of Federal expenditures for agricultural support programs, and to United States cooperation in efforts to eliminate malnutrition and world hunger.

DECLARATION OF POLICY

50 USC app. 2402.

SEC. 3. The Congress makes the following declarations:

(1) It is the policy of the United States to minimize uncertainties in export control policy and to encourage trade with all countries with which the United States has diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest.

(2) It is the policy of the United States to use export controls only after full consideration of the impact on the economy of the United States and only to the extent necessary—

(A) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States;

(B) to restrict the export of goods and technology where necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations; and

(C) to restrict the export of goods where necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand.

(3) It is the policy of the United States (A) to apply any necessary controls to the maximum extent possible in cooperation with all nations, and (B) to encourage observance of a uniform export control policy by all nations with which the United States has defense treaty commitments.

(4) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

(5) It is the policy of the United States—

(A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person;

(B) to encourage and, in specified cases, require United States persons engaged in the export of goods or technology or other information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person; and

(C) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular goods or technology or other information to United States export controls should be subjected to review by and consultation with representatives of appropriate United States Government agencies and private industry.

(7) It is the policy of the United States to use export controls, including license fees, to secure the removal by foreign countries of restrictions on access to supplies where such restrictions have or may have a serious domestic inflationary impact, have caused or may cause a serious domestic shortage, or have been imposed for purposes of influencing the foreign policy of the United States. In effecting this policy, the President shall make every reasonable effort to secure the removal or reduction of such restrictions, policies, or actions through international cooperation and agreement before resorting to the imposition of controls on exports from the United States. No action taken in fulfillment of the policy set forth in this paragraph shall apply to the export of medicine or medical supplies.

(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls.

(9) It is the policy of the United States to cooperate with other countries with which the United States has defense treaty commitments in restricting the export of goods and technology which would make a significant contribution to the military potential of any country or combination of countries which would prove detrimental to the security of the United States and of those countries with which the United States has defense treaty commitments.

(10) It is the policy of the United States that export trade by United States citizens be given a high priority and not be controlled except when such controls (A) are necessary to further fundamental national security, foreign policy, or short supply objectives, (B) will clearly further such objectives, and (C) are administered consistent with basic standards of due process.

(11) It is the policy of the United States to minimize restrictions on the export of agricultural commodities and products.

GENERAL PROVISIONS

SEC. 4. (a) TYPES OF LICENSES.—Under such conditions as may be imposed by the Secretary which are consistent with the provisions of this Act, the Secretary may require any of the following types of export licenses:

50 USC app. 2403.

(1) A validated license, authorizing a specific export, issued pursuant to an application by the exporter.

(2) A qualified general license, authorizing multiple exports, issued pursuant to an application by the exporter.

(3) A general license, authorizing exports, without application by the exporter.

(4) Such other licenses as may assist in the effective and efficient implementation of this Act.

(b) COMMODITY CONTROL LIST.—The Secretary shall establish and maintain a list (hereinafter in this Act referred to as the "commodity control list") consisting of any goods or technology subject to export controls under this Act.

(c) FOREIGN AVAILABILITY.—In accordance with the provisions of this Act, the President shall not impose export controls for foreign policy or national security purposes on the export from the United States of goods or technology which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the foreign policy or national security of the United States.

(d) RIGHT OF EXPORT.—No authority or permission to export may be required under this Act, or under regulations issued under this Act, except to carry out the policies set forth in section 3 of this Act.

(e) DELEGATION OF AUTHORITY.—The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may consider appropriate, except that no authority under this Act may be delegated to, or exercised by, any official of any department or agency the head of which is not appointed by the President, by and with the advice and consent of the Senate. The President may not delegate or transfer his power, authority, and discretion to overrule or modify any recommendation or decision made by the Secretary, the Secretary of Defense, or the Secretary of State pursuant to the provisions of this Act.

(f) NOTIFICATION OF THE PUBLIC; CONSULTATION WITH BUSINESS.—The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging trade. The Secretary shall meet regularly with representatives of the business sector in order to obtain their views on export control policy and the foreign availability of goods and technology.

NATIONAL SECURITY CONTROLS

50 USC app. 2404.

SEC. 5. (a) AUTHORITY.—(1) In order to carry out the policy set forth in section 3(2)(A) of this Act, the President may, in accordance with the provisions of this section, prohibit or curtail the export of any goods or technology subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. The authority contained in this subsection shall be exercised by the Secretary, in consultation with the Secretary of Defense, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses described in section 4(a) of this Act.

Publication in Federal Register.

(2)(A) Whenever the Secretary makes any revision with respect to any goods or technology, or with respect to the countries or destinations, affected by export controls imposed under this section, the Secretary shall publish in the Federal Register a notice of such revision and shall specify in such notice that the revision relates to controls imposed under the authority contained in this section.

Export license denial, notice.

(B) Whenever the Secretary denies any export license under this section, the Secretary shall specify in the notice to the applicant of the denial of such license that the license was denied under the authority contained in this section. The Secretary shall also include in such notice what, if any, modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls imposed under this section, or the Secretary shall indicate in such notice which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for consultation with regard to such modifications or restriction, if appropriate.

Regulatory safeguards for U.S. security.

(3) In issuing regulations to carry out this section, particular attention shall be given to the difficulty of devising effective safeguards to prevent a country that poses a threat to the security of the United States from diverting critical technologies to military use, the difficulty of devising effective safeguards to protect critical goods, and the need to take effective measures to prevent the reexport of critical technologies from other countries to countries that pose a threat to the security of the United States. Such regulations shall not be based upon the assumption that such effective safeguards can be devised.

(b) Policy Toward Individual Countries.—In administering export controls for national security purposes under this section, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President considers appropriate. The President shall review not less frequently than every three years in the case of controls maintained cooperatively with other nations, and annually in the case of all other controls, United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence.

(c) Control List.—(1) The Secretary shall establish and maintain, as part of the commodity control list, a list of all goods and technology subject to export controls under this section. Such goods and technology shall be clearly identified as being subject to controls under this section.

(2) The Secretary of Defense and other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in paragraph (1). Those items which the Secretary and the Secretary of Defense concur shall be subject to export controls under this section shall comprise such list. If the Secretary and the Secretary of Defense are unable to concur on such items, the matter shall be referred to the President for resolution.

Regulations.

Submittal of written data, views, or arguments.

(3) The Secretary shall issue regulations providing for review of the list established pursuant to this subsection not less frequently than every 3 years in the case of controls maintained cooperatively with other countries, and annually in the case of all other controls, in order to carry out the policy set forth in section 3(2)(A) and the provisions of this section, and for the prompt issuance of such revisions of the list as may be necessary. Such regulations shall provide interested Government agencies and other affected or potentially affected parties with an opportunity, during such review, to submit written data, views, or arguments, with or without oral presentation. Such regulations shall further provide that, as part of

such review, an assessment be made of the availability from sources outside the United States, or any of its territories or possessions, of goods and technology comparable to those controlled under this section. The Secretary and any agency rendering advise with respect to export controls shall keep adequate records of all decisions made with respect to revision of the list of controlled goods and technology, including the factual and analytical basis for the decision, and, in the case of the Secretary, any dissenting recommendations received from any agency.

Review.

(d) Militarily Critical Technologies.—(1) The Secretary, in consultation with the Secretary of Defense, shall review and revise the list established pursuant to subsection (c), as prescribed in paragraph (3) of such subsection, for the purpose of insuring that export controls imposed under this section cover and (to the maximum extent consistent with the purposes of this Act) are limited to militarily critical goods and technologies and the mechanisms through which such goods and technologies may be effectively transferred.

(2) The Secretary of Defense shall bear primary responsibility for developing a list of militarily critical technologies. In developing such list, primary emphasis shall be given to—

(A) arrays of design and manufacturing know-how,

(B) keystone manufacturing, inspection, and test equipment, and

(C) goods accompanied by sophisticated operation, application, or maintenance know-how,

which are not possessed by countries to which exports are controlled under this section and which, if exported, would permit a significant advance in a military system of any such country.

(3) The list referred to in paragraph (2) shall be sufficiently specific to guide the determinations of any official exercising export licensing responsibilities under this Act.

Publication in Federal Register.

(4) The initial version of the list referred to in paragraph (2) shall be completed and published in an appropriate form in the Federal Register not later than October 1, 1980.

(5) The list of militarily critical technologies developed primarily by the Secretary of Defense pursuant to paragraph (2) shall become a part of the commodity control list, subject to the provisions of subsection (c) of this section.

Report to Congress.

(6) The Secretary of Defense shall report annually to the Congress on actions taken to carry out this subsection.

(e) Export Licenses.—(1) The Congress finds that the effectiveness and efficiency of the process of making export licensing determinations under this section is severely hampered by the large volume of validated export license applications required to be submitted under this Act. Accordingly, it is the intent of Congress in this subsection to encourage the use of a qualified general license in lieu of a validated license.

Validated licenses, requirement.

(2) To the maximum extent practicable, consistent with the national security of the United States, the Secretary shall require a validated license under this section for the export of goods or technology only if—

(A) the export of such goods or technology is restricted pursuant to a multilateral agreement, formal or informal, to which the United States is a party and, under the terms of such multilateral agreement, such export requires the specific approval of the parties to such multilateral agreement;

(B) with respect to such goods or technology, other nations do not possess capabilities comparable to those possessed by the United States; or

(C) the United States is seeking the agreement of other suppliers to apply comparable controls to such goods or technology and, in the judgment of the Secretary, United States export controls on such goods or technology, by means of such license, are necessary pending the conclusion of such agreement.

Qualified general license.

(3) To the maximum extent practicable, consistent with the national security of the United States, the Secretary shall require a qualified general license, in lieu of a validated license, under this section for the export of goods or technology if the export of such goods or technology is restricted pursuant to a multilateral agreement, formal or informal, to which the United States is a party, but such export does not require the specific approval of the parties to such multilateral agreement.

(4) Not later than July 1, 1980, the Secretary shall establish procedures for the approval of goods and technology that may be exported pursuant to a qualified general license.

Review.

(f) Foreign Availability.—(1) The Secretary, in consultation with appropriate Government agencies and with appropriate technical advisory committees established pursuant to subsection (h) of this section, shall review, on a continuing basis, the availability, to countries to which exports are controlled under this section, from sources outside the United States, including countries which participate with the United States in multilateral export controls, of any goods or technology the export of which requires a validated license under this section. In any case in which the Secretary determines, in accordance with procedures and criteria which the Secretary shall by regulation establish, that any such goods or technology are available in fact to such destinations from such sources in sufficient quantity and of sufficient quality so that the requirement of a validated license for the export of such goods or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, the Secretary may not, after the determination is made, require a validated license for the export of such goods or technology during the period of such foreign availability, unless the President determines that the absence of export controls under this section would prove detrimental to the national security of the United States. In any case in which the President determines that export controls under this section must be maintained notwithstanding foreign availability, the Secretary shall publish that determination together with a concise statement of its basis, and the estimated economic impact of the decision.

Export controls maintenance.

Validated license approval.

(2) The Secretary shall approve any application for a validated license which is required under this section for the export of any goods or technology to a particular country and which meets all other requirements for such an application, if the Secretary determines that such goods or technology will, if the license is denied, be available in fact to such country from sources outside the United States, including countries which participate with the United States in multilateral export controls, in sufficient quantity and of sufficient quality so that denial of the license would be ineffective in achieving the purpose set forth in subsection (a) of this section, subject to the exception set forth in paragraph (1) of this subsection. In any case in which the Secretary makes a determination of foreign availability under this paragraph with respect to any goods or technology, the Secretary shall determine whether a determination of foreign availability under paragraph (1) with respect to such goods or technology is warranted.

(3) With respect to export controls imposed under this section, any determination of foreign availability which is the basis of a decision

to grant a license for, or to remove a control on, the export of a good or technology, shall be made in writing and shall be supported by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. In assessing foreign availability with respect to license applications, uncorroborated representations by applicants shall not be deemed sufficient evidence of foreign availability.

(4) In any case in which, in accordance with this subsection, export controls are imposed under this section notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. Whenever the President has reason to believe goods or technology subject to export control for national security purposes by the United States may become available from other countries to countries to which exports are controlled under this section and that such availability can be prevented or eliminated by means of negotiations with such other countries, the President shall promptly initiate negotiations with the governments of such other countries to prevent such foreign availability.

Information gathering.

(5) In order to further carry out the policies set forth in this Act, the Secretary shall establish, within the Office of Export Administration of the Department of Commerce, a capability to monitor and gather information with respect to the foreign availability of any goods or technology subject to export controls under this Act.

(6) Each department or agency of the United States with responsibilities with respect to export controls, including intelligence agencies, shall, consistent with the protection of intelligence sources and methods, furnish information to the Office of Export Administration concerning foreign availability of goods and technology subject to export controls under this Act, and such Office, upon request or where appropriate, shall furnish to such departments and agencies the information it gathers and receives concerning foreign availability.

Regulations.

(g) INDEXING.—In order to ensure that requirements for validated licenses and qualified general licenses are periodically removed as goods or technology subject to such requirements become obsolete with respect to the national security of the United States, regulations issued by the Secretary may, where appropriate, provide for annual increases in the performance levels of goods or technology subject to any such licensing requirement. Any such goods or technology which no longer meet the performance levels established by the latest such increase shall be removed from the list established pursuant to subsection (c) of this section unless, under such exceptions and under such procedures as the Secretary shall prescribe, any other department or agency of the United States objects to such removal and the Secretary determines, on the basis of such objection, that the goods or technology shall not be removed from the list. The Secretary shall also consider, where appropriate, removing site visitation requirements for goods and technology which are removed from the list unless objections described in this subsection are raised.

Site visitation requirements, removal.

(h) TECHNICAL ADVISORY COMMITTEES.—(1) Upon written request by representatives of a substantial segment of any industry which produces any goods or technology subject to export controls under this section or being considered for such controls because of their significance to the national security of the United States, the Secretary shall appoint a technical advisory committee for any such goods or technology which the Secretary determines are difficult to evaluate because of questions concerning technical matters, worldwide availability, and actual utilization of production and technology, or licensing procedures. Each such committee shall consist of representatives of United States industry and Government, including the Departments of Commerce, Defense, and State and, in the discretion of the Secretary, other Government departments and agencies. No person serving on any such committee who is a representative of industry shall serve on such committee for more than four consecutive years.

Membership.

Term of office.

(2) Technical advisory committees established under paragraph (1) shall advise and assist the Secretary, the Secretary of Defense, and any other department, agency, or official of the Government of the United States to which the President delegates authority under this Act, with respect to actions designed to carry out the policy set forth in section 3(2)(A) of this Act. Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. Nothing in this subsection shall prevent the Secretary or the Secretary of Defense from consulting, at any time, with any person representing industry or the general public, regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary, to present evidence to such committees.

(3) Upon request of any member of any such committee, the Secretary may, if the Secretary determines it appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by such member in connection with the duties of such member.

Travel and other expenses, reimbursement.

(4) Each such committee shall elect a chairman, and shall meet at least every three months at the call of the chairman, unless the chairman determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this subsection. Each such committee shall be terminated after a period of 2 years, unless extended by the Secretary for additional periods of 2 years. The Secretary shall consult each such committee with respect to such termination or extension of that committee.

Termination.

(5) To facilitate the work of the technical advisory committees, the Secretary, in conjunction with other departments and agencies participating in the administration of this Act, shall disclose to each such committee adequate information, consistent with national security, pertaining to the reasons for the export controls which are in effect or contemplated for the goods or technology with respect to which that committee furnishes advice.

(6) Whenever a technical advisory committee certifies to the Secretary that goods or technology with respect to which such committee was appointed have become available in fact, to countries to which exports are controlled under this section, from sources outside the United States, including countries which participate with the United States in multilateral export controls, in sufficient quantity and of sufficient quality so that requiring a validated license for the export of such goods or technology would be ineffective in achieving the purpose set forth in subsection (a) of this section, and provides adequate documentation for such certification, in accordance with the procedures established pursuant to subsection (f)(1) of this section, the Secretary shall investigate such availability, and if

Export controls maintenance.

such availability is verified, the Secretary shall remove the requirement of a validated license for the export of the goods or technology, unless the President determines that the absence of export controls under this section would prove detrimental to the national security of the United States. In any case in which the President determines that export controls under this section must be maintained notwithstanding foreign availability, the Secretary shall publish that determination together with a concise statement of its basis and the estimated economic impact of the decision.

Determination, publication.

Coordinating Committee, functions.

(i) MULTILATERAL EXPORT CONTROLS.—The President shall enter into negotiations with the governments participating in the group known as the Coordinating Committee (hereinafter in this subsection referred to as the "Committee") with a view toward accomplishing the following objectives:

(1) Agreement to publish the list of items controlled for export by agreement of the Committee, together with all notes, understandings, and other aspects of such agreement of the Committee, and all changes thereto.

(2) Agreement to hold periodic meetings with high-level representatives of such governments, for the purpose of discussing export control policy issues and issuing policy guidance to the Committee.

(3) Agreement to reduce the scope of the export controls imposed by agreement of the Committee to a level acceptable to and enforceable by all governments participating in the Committee.

(4) Agreement on more effective procedures for enforcing the export controls agreed to pursuant to paragraph (3).

(j) COMMERCIAL AGREEMENTS WITH CERTAIN COUNTRIES.—(1) Any United States firm, enterprise, or other nongovernmental entity which, for commercial purposes, enters into any agreement with any agency of the government of a country to which exports are restricted for national security purposes, which agreement cites an intergovernmental agreement (to which the United States and such country are parties) calling for the encouragement of technical cooperation and is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report the agreement with such agency to the Secretary.

(2) The provisions of paragraph (1) shall not apply to colleges, universities, or other educational institutions.

(k) NEGOTIATIONS WITH OTHER COUNTRIES.—The Secretary of State, in consultation with the Secretary of Defense, the Secretary of Commerce, and the heads of other appropriate departments and agencies, shall be responsible for conducting negotiations with other countries regarding their cooperation in restricting the export of goods and technology in order to carry out the policy set forth in section 3(9) of this Act, as authorized by subsection (a) of this section, including negotiations with respect to which goods and technology should be subject to multilaterally agreed export restrictions and what conditions should apply for exceptions from those restrictions.

(l) DIVERSION TO MILITARY USE OF CONTROLLED GOODS OR TECHNOLOGY.—(1) Whenever there is reliable evidence that goods or technology, which were exported subject to national security controls under this section to a country to which exports are controlled for national security purposes, have been diverted to significant military use in violation of the conditions of an export license, the Secretary for as long as that diversion to significant military use continues—

(A) shall deny all further exports to the party responsible for that diversion of any goods or technology subject to national security controls under this section which contribute to that particular military use, regardless of whether such goods or technology are available to that country from sources outside the United States; and

(B) may take such additional steps under this Act with respect to the party referred to in subparagraph (A) as are feasible to deter the further military use of the previously exported goods or technology.

"Diversion to significant military use" and "significant military use".

(2) As used in this subsection, the terms "diversion to significant military use" and "significant military use" means the use of United States goods or technology to design or produce any item on the United States Munitions List.

FOREIGN POLICY CONTROLS

50 USC app. 2405.

SEC. 6. (a) AUTHORITY.—(1) In order to carry out the policy set forth in paragraph (2)(B), (7), or (8) of section 3 of this Act, the President may prohibit or curtail the exportation of any goods, technology, or other information subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, to the extent necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations. The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.

Expiration date.

(2) Export controls maintained for foreign policy purposes shall expire on December 31, 1979, or one year after imposition, whichever is later, unless extended by the President in accordance with subsections (b) and (e). Any such extension and any subsequent extension shall not be for a period of more than one year.

Export license denial.

(3) Whenever the Secretary denies any export license under this subsection, the Secretary shall specify in the notice to the applicant of the denial of such license that the license was denied under the authority contained in this subsection, and the reasons for such denial, with reference to the criteria set forth in subsection (b) of this section. The Secretary shall also include in such notice what, if any, modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls implemented under this section, or the Secretary shall indicate in such notice which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for consultation with regard to such modifications or restrictions, if appropriate.

Export license application, review.

(4) In accordance with the provisions of section 10 of this Act, the Secretary of State shall have the right to review any export license application under this section which the Secretary of State requests to review.

(b) CRITERIA.—When imposing, expanding, or extending export controls under this section, the President shall consider—

(1) the probability that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

(2) the compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to counter international terrorism, and with overall United States

policy toward the country which is the proposed target of the controls;

(3) the reaction of other countries to the imposition or expansion of such export controls by the United States;

(4) the likely effects of the proposed controls on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on individual United States companies and their employees and communities, including the effects of the controls on existing contracts;

(5) the ability of the United States to enforce the proposed controls effectively; and

(6) the foreign policy consequences of not imposing controls.

(c) Consultation With Industry.—The Secretary, before imposing export controls under this section, shall consult with such affected United States industries as the Secretary considers appropriate, with respect to the criteria set forth in paragraphs (1) and (4) of subsection (b) and such other matters as the Secretary considers appropriate.

(d) Alternative Means.—Before resorting to the imposition of export controls under this section, the President shall determine that reasonable efforts have been made to achieve the purposes of the controls through negotiations or other alternative means.

(e) Notification To Congress.—The President in every possible instance shall consult with the Congress before imposing any export control under this section. Except as provided in section 7(g)(3) of this Act, whenever the President imposes, expands, or extends export controls under this section, the President shall immediately notify the Congress of such action and shall submit with such notification a report specifying—

Contents of report.

(1) the conclusions of the President with respect to each of the criteria set forth in subsection (b); and

(2) the nature and results of any alternative means attempted under subsection (d), or the reasons for imposing, extending, or expanding the control without attempting any such alternative means.

Such report shall also indicate how such controls will further significantly the foreign policy of the United States or will further its declared international obligations. To the extent necessary to further the effectiveness of such export control, portions of such report may be submitted on a classified basis, and shall be subject to the provisions of section 12(c) of this Act.

(f) Exclusion for Medicine and Medical Supplies.—This section does not authorize export controls on medicine or medical supplies. It is the intent of Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine or medical supplies, under the International Emergency Economic Powers Act. This subsection shall not apply to any export control on medicine or medical supplies which is in effect on the effective date of this Act.

50 USC 1701 note.

(g) Foreign Availability.—In applying export controls under this section, the President shall take all feasible steps to initiate and conclude negotiations with appropriate foreign governments for the purpose of securing the cooperation of such foreign governments in controlling the export to countries and consignees to which the

United States export controls apply of any goods or technology comparable to goods or technology controlled under this section.

(h) INTERNATIONAL OBLIGATIONS.—The provisions of subsections (b), (c), (d), (f), and (g) shall not apply in any case in which the President exercises the authority contained in this section to impose export controls, or to approve or deny export license applications, in order to fulfill obligations of the United States pursuant to treaties to which the United States is a party or pursuant to other international agreements.

Notification to congressional committees.

(i) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

(1) Such country has repeatedly provided support for acts of international terrorism.

(2) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.

(j) CRIME CONTROL INSTRUMENTS.—(1) Crime control and detection instruments and equipment shall be approved for export by the Secretary only pursuant to a validated export license.

(2) The provisions of this subsection shall not apply with respect to exports to countries which are members of the North Atlantic Treaty Organization or to Japan, Australia, or New Zealand, or to such other countries as the President shall designate consistent with the purposes of this subsection and section 502B of the Foreign Assistance Act of 1961.

22 USC 2304.

(k) CONTROL LIST.—The Secretary shall establish and maintain, as part of the commodity control list, a list of any goods or technology subject to export controls under this section, and the countries to which such controls apply. Such goods or technology shall be clearly identified as subject to controls under this section. Such list shall consist of goods and technology identified by the Secretary of State, with the concurrence of the Secretary. If the Secretary and the Secretary of State are unable to agree on the list, the matter shall be referred to the President. Such list shall be reviewed not less frequently than every three years in the case of controls maintained cooperatively with other countries, and annually in the case of all other controls, for the purpose of making such revisions as are necessary in order to carry out this section. During the course of such review, an assessment shall be made periodically of the availability from sources outside the United States, or any of its territories or possessions, of goods and technology comparable to those controlled for export from the United States under this section.

Periodical review.

SHORT SUPPLY CONTROLS

50 USC app. 2406.

SEC. 7. (a) AUTHORITY.—(1) In order to carry out the policy set forth in section 3(2)(C) of this Act, the President may prohibit or curtail the export of any goods subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. In curtailing exports to carry out the policy set forth in section 3(2)(C) of this Act, the President shall allocate a portion of export licenses on the basis of factors other than a prior history of exportation. Such factors shall include the extent to which a country engages

Export licenses, allocation.

in equitable trade practices with respect to United States goods and treats the United States equitably in times of short supply.

Publication in Federal Register.

(2) Upon imposing quantitative restrictions on exports of any goods to carry out the policy set forth in section 3(2)(C) of this Act, the Secretary shall include in a notice published in the Federal Register with respect to such restrictions an invitation to all interested parties to submit written comments within 15 days from the date of publication on the impact of such restrictions and the method of licensing used to implement them.

Fees.

(3) In imposing export controls under this section, the President's authority shall include, but not be limited to, the imposition of export license fees.

(b) MONITORING.—(1) In order to carry out the policy set forth in section 3(2)(C) of this Act, the Secretary shall monitor exports, and contracts for exports, of any good (other than a commodity which is subject to the reporting requirements of section 812 of the Agricultural Act of 1970) when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have, a serious adverse impact on the economy or any sector thereof. Any such monitoring shall commence at a time adequate to assure that the monitoring will result in a data base sufficient to enable policies to be developed, in accordance with section 3(2)(C) of this Act, to mitigate a short supply situation or serious inflationary price rise or, if export controls are needed, to permit imposition of such controls in a timely manner. Information which the Secretary requires to be furnished in effecting such monitoring shall be confidential, except as provided in paragraph (2) of this subsection.

7 USC 612c-3.

Weekly or monthly reports.

(2) The results of such monitoring shall, to the extent practicable, be aggregated and included in weekly reports setting forth, with respect to each item monitored, actual and anticipated exports, the destination by country, and the domestic and worldwide price, supply, and demand. Such reports may be made monthly if the Secretary determines that there is insufficient information to justify weekly reports.

(3) The Secretary shall consult with the Secretary of Energy to determine whether monitoring or export controls under this section are warranted with respect to exports of facilities, machinery, or equipment normally and principally used, or intended to be used, in the production, conversion, or transportation of fuels and energy (except nuclear energy), including, but not limited to, drilling rigs, platforms, and equipment; petroleum refineries, natural gas processing, liquefaction, and gasification plants; facilities for production of synthetic natural gas or synthetic crude oil; oil and gas pipelines, pumping stations, and associated equipment; and vessels for transporting oil, gas, coal, and other fuels.

(c) PETITIONS FOR MONITORING OR CONTROLS.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, has or may have a significant adverse effect on the national economy or any sector thereof, may transmit a written petition to the Secretary requesting the monitoring of exports, or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.

(B) Each petition shall be in such form as the Secretary shall prescribe and shall contain information in support of the action requested. The petition shall include any information reasonably available to the petitioner indicating (i) that there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply, and (ii) that there has been a significant increase in the price of such material or a domestic shortage of such material under circumstances indicating the price increase or domestic shortage may be related to exports.

Publication in Federal Register.

(2) Within 15 days after receipt of any petition described in paragraph (1), the Secretary shall publish a notice in the Federal Register. The notice shall (A) include the name of the material which is the subject of the petition, (B) include the Schedule B number of the material as set forth in the Statistical Classification of Domestic and Foreign Commodities Exported from the United States, (C) indicate whether the petitioner is requesting that controls or monitoring, or both, be imposed with respect to the exportation of such material, and (D) provide that interested persons shall have a period of 30 days commencing with the date of publication of such notice to submit to the Secretary written data, views, or arguments, with or without opportunity for oral presentation, with respect to the matter involved. At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material which is the subject of the petition, or at the request of any entity representative of producers or exporters of such material, the Secretary shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended to 45 days.

Hearings.

(3) Within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Secretary shall—

(A) determine whether to impose monitoring or controls, or both, on the export of such material, in order to carry out the policy set forth in section 3(2)(C) of this Act; and

(B) publish in the Federal Register a detailed statement of the reasons for such determination.

Publication in Federal Register.

Publication in Federal Register.

(4) Within 15 days after making a determination under paragraph (3) to impose monitoring or controls on the export of a material, the Secretary shall publish in the Federal Register proposed regulations with respect to such monitoring or controls. Within 30 days following the publication of such proposed regulations, and after considering any public comments thereon, the Secretary shall publish and implement final regulations with respect to such monitoring or controls.

Petitions, consolidation.

(5) For purposes of publishing notices in the Federal Register and scheduling public hearings pursuant to this subsection, the Secretary may consolidate petitions, and responses thereto, which involve the same or related materials.

(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after consideration of the prior petition has been completed does not merit complete consideration under this subsection.

(7) The procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the initiative of the Secretary with respect to the same subject as that of the petition.

Temporary monitoring or controls.

(8) The Secretary may impose monitoring or controls on a temporary basis after a petition is filed under paragraph (1)(A) but before the Secretary makes a determination under paragraph (3) if the Secretary considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of this Act.

(9) The authority under this subsection shall not be construed to affect the authority of the Secretary under any other provision of this Act.

(10) Nothing contained in this subsection shall be construed to preclude submission on a confidential basis to the Secretary of information relevant to a decision to impose or remove monitoring or controls under the authority of this Act, or to preclude consideration of such information by the Secretary in reaching decisions required under this subsection. The provisions of this paragraph shall not be construed to affect the applicability of section 552(b) of title 5, United State Code.

(d) DOMESTICALLY PRODUCED CRUDE OIL.—(1) Notwithstanding any other provision of this Act and notwithstanding subsection (u) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), no domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) (except any such crude oil which (A) is exported to an adjacent foreign country to be refined and consumed therein in exchange for the same quantity of crude oil being exported from that country to the United States; such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States as described in paragraph (2)(A)(ii) of this subsection, or (B) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States) may be exported from the United States, or any of its territories and possessions, unless the requirements of paragraph (2) of this subsection are met.

Exportation, conditions.

(2) Crude oil subject to the prohibition contained in paragraph (1) may be exported only if—

(A) the President makes and publishes express findings that exports of such crude oil, including exchanges—

(i) will not diminish the total quantity or quality of petroleum refined within, stored within, or legally committed to be transported to and sold within the United States;

(ii) will, within 3 months following the initiation of such exports or exchanges, result in (I) acquisition costs to the refiners which purchase the imported crude oil being lower than the acquisition costs such refiners would have to pay for the domestically produced oil in the absence of such an export or exchange, and (II) not less than 75 percent of such savings in costs being reflected in wholesale and retail prices of products refined from such imported crude oil;

(iii) will be made only pursuant to contracts which may be terminated if the crude oil supplies of the United States are interrupted, threatened, or diminished;

(iv) are clearly necessary to protect the national interest; and

(v) are in accordance with the provisions of this Act; and

Report to Congress.

(B) the President reports such findings to the Congress and the Congress, within 60 days thereafter, agrees to a concurrent resolution approving such exports on the basis of the findings.

(3) Notwithstanding any other provision of this section or any other provision of law, including subsection (u) of section 28 of the Mineral Leasing Act of 1920, the President may export oil to any country

30 USC 185.

pursuant to a bilateral international oil supply agreement entered into by the United States with such nation before June 25, 1979, or to any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency.

(e) REFINED PETROLEUM PRODUCTS.—(1) No refined petroleum product may be exported except pursuant to an export license specifically authorizing such export. Not later than 5 days after an application for a license to export any refined petroleum product or residual fuel oil is received, the Secretary shall notify the Congress of such application, together with the name of the exporter, the destination of the proposed export, and the amount and price of the proposed export. Such notification shall be made to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate.

Export license applications, notification of congressional committees.

(2) The Secretary may not grant such license during the 30-day period beginning on the date on which notification to the Congress under paragraph (1) is received, unless the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that the proposed export is vital to the national interest and that a delay in issuing the license would adversely affect that interest.

(3) This subsection shall not apply to (A) any export license application for exports to a country with respect to which historical export quotas established by the Secretary on the basis of past trading relationships apply, or (B) any license application for exports to a country if exports under the license would not result in more than 250,000 barrels of refined petroleum products being exported from the United States to such country in any fiscal year.

(4) For purposes of this subsection,"refined petroleum product" means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, and residual fuel oil refined within the United States or entered for consumption within the United States.

"Refined petroleum product."

(5) The Secretary may extend any time period prescribed in section 10 of this Act to the extent necessary to take into account delays in action by the Secretary on a license application on account of the provisions of this subsection.

Time extension.

(f) CERTAIN PETROLEUM PRODUCTS.—Petroleum products refined in United States Foreign Trade Zones, or in the United States Territory of Guam, from foreign crude oil shall be excluded from any quantitative restrictions imposed under this section except that, if the Secretary finds that a product is in short supply, the Secretary may issue such regulations as may be necessary to limit exports.

Regulations.

(g) AGRICULTURAL COMMODITIES.—(1) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy except to the extent the President determines that such exercise of authority is required to carry out the policies set forth in subparagraph (A) or (B) of paragraph (2) of section 3 of this Act. The Secretary of Agriculture shall, by exercising the authorities which the Secretary of Agriculture has under other applicable provisions of law, collect data with respect to export sales of animal hides and skins.

Export sales of animal hides and skins, data.

(2) Upon approval of the Secretary, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or

for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed to carry out the policy set forth in section 3(2)(C) of this Act subsequent to such approval. The Secretary may not grant such approval unless the Secretary receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds (A) that such commodities will eventually be exported, (B) that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, (C) that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and (D) that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary may issue such regulations as may be necessary to implement this paragraph.

Regulations.

(3) If the authority conferred by this section or section 6 is exercised to prohibit or curtail the export of any agricultural commodity in order to carry out the policies set forth in subparagraph (B) or (C) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(h) BARTER AGREEMENTS.—(1) The exportation pursuant to a barter agreement of any goods which may lawfully be exported from the United States, for any goods which may lawfully be imported into the United States, may be exempted, in accordance with paragraph (2) of this subsection, from any quantitative limitation on exports (other than any reporting requirement) imposed to carry out the policy set forth in section 3(2)(C) of this Act.

(2) The Secretary shall grant an exemption under paragraph (1) if the Secretary finds, after consultation with the appropriate department or agency of the United States, that—

(A) for the period during which the barter agreement is to be performed—

(i) the average annual quantity of the goods to be exported pursuant to the barter agreement will not be required to satisfy the average amount of such goods estimated to be required annually by the domestic economy and will be surplus thereto; and

(ii) the average annual quantity of the goods to be imported will be less than the average amount of such goods estimated to be required annually to supplement domestic production; and

(B) the parties to such barter agreement have demonstrated adequately that they intend, and have the capacity, to perform such barter agreement.

"Barter agreement."

(3) For purposes of this subsection, the term "barter agreement" means any agreement which is made for the exchange, without monetary consideration, of any goods produced in the United States for any goods produced outside of the United States.

(4) This subsection shall apply only with respect to barter agreements entered into after the effective date of this Act.

(i) Unprocessed Red Cedar.—(1) The Secretary shall require a validated license, under the authority contained in subsection (a) of this section, for the export of unprocessed western red cedar (Thuja plicata) logs, harvested from State or Federal lands. The Secretary shall impose quantitative restrictions upon the export of unprocessed western red cedar logs during the 3-year period beginning on the effective date of this Act as follows:

(A) Not more than thirty million board feet scribner of such logs may be exported during the first year of such 3-year period.

(B) Not more than fifteen million board feet scribner of such logs may be exported during the second year of such period.

(C) Not more than five million board feet scribner of such logs may be exported during the third year of such period.

After the end of such 3-year period, no unprocessed western red cedar logs may be exported from the United States.

Export terminations.

Export licenses, allocation.

(2) The Secretary shall allocate export licenses to exporters pursuant to this subsection on the basis of a prior history of exportation by such exporters and such other factors as the Secretary considers necessary and appropriate to minimize any hardship to the producers of western red cedar and to further the foreign policy of the United States.

(3) Unprocessed western red cedar logs shall not be considered to be an agricultural commodity for purposes of subsection (g) of this section.

"Unprocessed western red cedar."

(4) As used in this subsection, the term "unprocessed western red cedar" means red cedar timber which has not been processed into—

(A) lumber without wane;

(B) chips, pulp, and pulp products;

(C) veneer and plywood;

(D) poles, posts, or pilings cut or treated with preservative for use as such and not intended to be further processed; or

(E) shakes and shingles.

(j) Export of Horses.—(1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, or any of its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

Regulations.

(2) The Secretary, in consultation with the Secretary of Agriculture, may issue regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

FOREIGN BOYCOTTS

Regulations.
50 USC app. 2407.

Sec. 8. (a) Prohibitions and Exceptions.—(1) For the purpose of implementing the policies set forth in subparagraph (A) or (B) of paragraph (5) of section 3 of this Act, the President shall issue regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of regulations issued to carry out this subparagraph.

Employment discrimination, prohibition.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

Business information.

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary.

(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

Letter of credit.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

Regulatory exceptions.

(2) Regulations issued pursuant to paragraph (1) shall provide exceptions for—

(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms, other than with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade named, or similarly specifically identifiable products, or components of products for his own use, including the performance of contractual services within that country, as may be defined by such regulations.

(3) Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) This section shall apply to any transaction or activity undertaken, by or through a United States person or any other person, with intent to evade the provisions of this section as implemented by the regulations issued pursuant to this subsection, and such regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

(b) FOREIGN POLICY CONTROLS.—(1) In addition to the regulations issued pursuant to subsection (a) of this section, regulations issued under section 6 of this Act shall implement the policies set forth in section 3(5).

Reports.

(2) Such regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary, together with such other information concerning such request as the Secretary may require for such action as the Secretary considers appropriate for carrying out the policies of that section. Such person shall also report to the Secretary whether such person intends to comply and whether such person has complied with such request. Any report filed pursuant to this paragraph shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any goods or technology to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the

Public inspection and copying.

Transmittal to Secretary of State.

United States person involved at a competitive disadvantage. The Secretary shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary, considers appropriate for carrying out the policies set forth in section 3(5) of this Act.

(c) PREEMPTION.—The provisions of this section and the regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, or any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

PROCEDURES FOR HARDSHIP RELIEF FROM EXPORT CONTROLS

50 USC app. 2408.

SEC. 9. (a) FILING OF PETITIONS.—Any person who, in such person's domestic manufacturing process or other domestic business operation, utilizes a product produced abroad in whole or in part from a good historically obtained from the United States but which has been made subject to export controls, or any person who historically has exported such a good, may transmit a petition of hardship to the Secretary requesting an exemption from such controls in order to alleviate any unique hardship resulting from the imposition of such controls. A petition under this section shall be in such form as the Secretary shall prescribe and shall contain information demonstrating the need for the relief requested.

(b) DECISION OF THE SECRETARY.—Not later than 30 days after receipt of any petition under subsection (a), the Secretary shall transmit a written decision to the petitioner granting or denying the requested relief. Such decision shall contain a statement setting forth the Secretary's basis for the grant or denial. Any exemption granted may be subject to such conditions as the Secretary considers appropriate.

(c) FACTORS TO BE CONSIDERED.—For purposes of this section, the Secretary's decision with respect to the grant or denial of relief from unique hardship resulting directly or indirectly from the imposition of export controls shall reflect the Secretary's consideration of factors such as the following:

(1) Whether denial would cause a unique hardship to the petitioner which can be alleviated only by granting an exception to the applicable regulations. In determining whether relief shall be granted, the Secretary shall take into account—

(A) ownership of material for which there is no practicable domestic market by virtue of the location or nature of the material;

(B) potential serious financial loss to the applicant if not granted an exception;

(C) inability to obtain, except through import, an item essential for domestic use which is produced abroad from the good under control;

(D) the extent to which denial would conflict, to the particular detriment of the applicant, with other national policies including those reflected in any international agreement to which the United States is a party;

(E) possible adverse effects on the economy (including unemployment) in any locality or region of the United States; and

(F) other relevant factors, including the applicant's lack of an exporting history during any base period that may be established with respect to export quotas for the particular good.

(2) The effect a finding in favor of the applicant would have on attainment of the basic objectives of the short supply control program.

In all cases, the desire to sell at higher prices and thereby obtain greater profits shall not be considered as evidence of a unique hardship, nor will circumstances where the hardship is due to imprudent acts or failure to act on the part of the petitioner.

PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS

50 USC app. 2409.

Sec. 10. (a) Primary Responsibility of the Secretary.—(1) All export license applications required under this Act shall be submitted by the applicant to the Secretary. All determinations with respect to any such application shall be made by the Secretary, subject to the procedures provided in this section.

(2) It is the intent of the Congress that a determination with respect to any export license application be made to the maximum extent possible by the Secretary without referral of such application to any other department or agency of the Government.

(3) To the extent necessary, the Secretary shall seek information and recommendations from the Government departments and agencies concerned with aspects of United States domestic and foreign policies and operations having an important bearing on exports. Such departments and agencies shall cooperate fully in rendering such information and recommendations.

(b) Initial Screening.—Within 10 days after the date on which any export license application is submitted pursuant to subsection (a)(1), the Secretary shall—

(1) send the applicant an acknowledgment of the receipt of the application and the date of the receipt;

(2) submit to the applicant a written description of the procedures required by this section, the responsibilities of the Secretary and of other departments and agencies with respect to the application, and the rights of the applicant;

(3) return the application without action if the application is improperly completed or if additional information is required, with sufficient information to permit the application to be properly resubmitted, in which case if such application is resubmitted, it shall be treated as a new application for the purpose of calculating the time periods prescribed in this section;

(4) determine whether it is necessary to refer the application to any other department or agency and, if such referral is determined to be necessary, inform the applicant of any such department or agency to which the application will be referred; and

(5) determine whether it is necessary to submit the application to a multilateral review process, pursuant to a multilateral agreement, formal or informal, to which the United States is a party and, if so, inform the applicant of this requirement.

(c) Action on Certain Applications.—In each case in which the Secretary determines that it is not necessary to refer an application to any other department or agency for its information and recommendations, a license shall be formally issued or denied within 90 days after a properly completed application has been submitted pursuant to this section.

(d) Referral to Other Departments and Agencies.—In each case in which the Secretary determines that it is necessary to refer an application to any other department or agency for its information and recommendations, the Secretary shall, within 30 days after the submission of a properly completed application—

(1) refer the application, together with all necessary analysis and recommendations of the Department of Commerce, concurrently to all such departments or agencies; and

(2) if the applicant so requests, provide the applicant with an opportunity to review for accuracy any documentation to be referred to any such department or agency with respect to such application for the purpose of describing the export in question in order to determine whether such documentation accurately describes the proposed export.

(e) Action by Other Departments and Agencies.—(1) Any department or agency to which an application is referred pursuant to subsection (d) shall submit to the Secretary, within 30 days after its receipt of the application, the information or recommendations requested with respect to such application. Except as provided in paragraph (2), any such department or agency which does not submit its recommendations within the time period prescribed in the preceding sentence shall be deemed by the Secretary to have no objection to the approval of such application.

Recommendations, time extension.

(2) If the head of any such department or agency notifies the Secretary before the expiration of the time period provided in paragraph (1) for submission of its recommendations that more time is required for review by such department or agency, such department or agency shall have an additional 30-day period to submit its recommendations to the Secretary. If such department or agency does not submit its recommendations within the time period prescribed by the preceding sentence, it shall be deemed by the Secretary to have no objection to the approval of such application.

(f) Action by the Secretary.—(1) Within 90 days after receipt of the recommendations of other departments and agencies with respect to a license application, as provided in subsection (e), the Secretary shall formally issue or deny the license. In deciding whether to issue or deny a license, the Secretary shall take into account any recommendation of a department or agency with respect to the application in question. In cases where the Secretary receives conflicting recommendations, the Secretary shall, within the 90-day period provided for in this subsection, take such action as may be necessary to resolve such conflicting recommendations.

Conflicting recommendations.

Applicant notification and opportunity for written response.

(2) In cases where the Secretary receives questions or negative considerations or recommendations from any other department or agency with respect to an application, the Secretary shall, to the maximum extent consistent with the national security and foreign policy of the United States, inform the applicant of the specific questions raised and any such negative considerations or recommendations, and shall accord the applicant an opportunity, before the final determination with respect to the application is made, to respond in writing to such questions, considerations, or recommendations.

Applicant denial procedures.

(3) In cases where the Secretary has determined that an application should be denied, the applicant shall be informed in writing, within 5 days after such determination is made, of the determination, of the statutory basis for denial, the policies set forth in section 3 of the Act which would be furthered by denial, and, to the extent consistent with the national security and foreign policy of the United States, the specific considerations which led to the denial, and of the availability

of appeal procedures. In the event decisions on license applications are deferred inconsistent with the provisions of this section, the applicant shall be so informed in writing within 5 days after such deferral.

Time extension, notification to Congress and applicant.

(4) If the Secretary determines that a particular application or set of applications is of exceptional importance and complexity, and that additional time is required for negotiations to modify the application or applications, the Secretary may extend any time period prescribed in this section. The Secretary shall notify the Congress and the applicant of such extension and the reasons therefor.

Review.

(g) Special Procedures for Secretary of Defense.—(1) Notwithstanding any other provision of this section, the Secretary of Defense is authorized to review any proposed export of any goods or technology to any country to which exports are controlled for national security purposes and, whenever the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of any such country, to recommend to the President that such export be disapproved.

Export transactions, review.

(2) Notwithstanding any other provision of law, the Secretary of Defense shall determine, in consultation with the Secretary, and confirm in writing the types and categories of transactions which should be reviewed by the Secretary of Defense in order to make a determination referred to in paragraph (1). Whenever a license or other authority is requested for the export to any country to which exports are controlled for national security purposes of goods or technology within any such type or category, the Secretary shall notify the Secretary of Defense of such request, and the Secretary may not issue any license or other authority pursuant to such request before the expiration of the period within which the President may disapprove such export. The Secretary of Defense shall carefully consider any notification submitted by the Secretary pursuant to this paragraph and, not later than 30 days after notification of the request, shall—

(A) recommend to the President that he disapprove any request for the export of the goods or technology involved to the particular country if the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country;

(B) notify the Secretary that he would recommend approval subject to specified conditions; or

(C) recommend to the Secretary that the export of goods or technology be approved.

If the President notifies the Secretary, within 30 days after receiving a recommendation from the Secretary of Defense, that he disapproves such export, no license or other authority may be issued for the export of such goods or technology to such country.

(3) The Secretary shall approve or disapprove a license application, and issue or deny a license, in accordance with the provisions of this subsection, and, to the extent applicable, in accordance with the time periods and procedures otherwise set forth in this section.

Presidential statement, transmittal to Congress.

(4) Whenever the President exercises his authority under this subsection to modify or overrule a recommendation made by the Secretary of Defense or exercises his authority to modify or overrule any recommendation made by the Secretary of Defense under subsection (c) or (d) of section 5 of this Act with respect to the list of goods and technologies controlled for national security purposes, the Presi-

dent shall promptly transmit to the Congress a statement indicating his decision, together with the recommendation of the Secretary of Defense.

Multilateral review process.

(h) MULTILATERAL CONTROLS.—In any case in which an application, which has been finally approved under subsection (c), (f), or (g) of this section, is required to be submitted to a multilateral review process, pursuant to a multilateral agreement, formal or informal, to which the United States is a party, the license shall not be issued as prescribed in such subsections, but the Secretary shall notify the applicant of the approval of the application (and the date of such approval) by the Secretary subject to such multilateral review. The license shall be issued upon approval of the application under such multilateral review. If such multilateral review has not resulted in a determination with respect to the application within 60 days after such date, the Secretary's approval of the license shall be final and the license shall be issued, unless the Secretary determines that issuance of the license would prove detrimental to the national security of the United States. At the time at which the Secretary makes such a determination, the Secretary shall notify the applicant of the determination and shall notify the Congress of the determination, the reasons for the determination, the reasons for which the multilateral review could not be concluded within such 60-day period, and the actions planned or being taken by the United States Government to secure conclusion of the multilateral review. At the end of every 60-day period after such notification to Congress, the Secretary shall advise the applicant and the Congress of the status of the application, and shall report to the Congress in detail on the reasons for the further delay and any further actions being taken by the United States Government to secure conclusion of the multilateral review. In addition, at the time at which the Secretary issues or denies the license upon conclusion of the multilateral review, the Secretary shall notify the Congress of such issuance or denial and of the total time required for the multilateral review.

Notification to Congress and applicant.

Applicant status, report to Congress.

(i) RECORDS.—The Secretary and any department or agency to which any application is referred under this section shall keep accurate records with respect to all applications considered by the Secretary or by any such department or agency, including, in the case of the Secretary, any dissenting recommendations received from any such department or agency.

(j) APPEAL AND COURT ACTION.—(1) The Secretary shall establish appropriate procedures for any applicant to appeal to the Secretary the denial of an export license application of the applicant.

Filing of petition by applicant.

(2) In any case in which any action prescribed in this section is not taken on a license application within the time periods established by this section (except in the case of a time period extended under subsection (f)(4) of which the applicant is notified), the applicant may file a petition with the Secretary requesting compliance with the requirements of this section. When such petition is filed, the Secretary shall take immediate steps to correct the situation giving rise to the petition and shall immediately notify the applicant of such steps.

(3) If, within 30 days after a petition is filed under paragraph (2), the processing of the application has not been brought into conformity with the requirements of this section, or the application has been brought into conformity with such requirements but the Secretary has not so notified the applicant, the applicant may bring an action in an appropriate United States district court for a restraining order, a temporary or permanent injunction, or other appropriate relief, to require compliance with the requirements of this section. The United

States district courts shall have jurisdiction to provide such relief, as appropriate.

VIOLATIONS

50 USC app. 2410.

SEC. 11. (a) IN GENERAL.—Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than 5 years, or both.

(b) WILLFUL VIOLATIONS.—(1) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any country to which exports are restricted for national security or foreign policy purposes, shall be fined not more than five times the value of the exports involved or $100,000, whichever is greater, or imprisoned not more than 10 years, or both.

(2) Any person who is issued a validated license under this Act for the export of any good or technology to a controlled country and who, with knowledge that such a good or technology is being used by such controlled country for military or intelligence gathering purposes contrary to the conditions under which the license was issued, willfully fails to report such use to the Secretary of Defense, shall be fined not more than five times the value of the exports involved or $100,000, whichever is greater, or imprisoned for not more than 5 years, or both. For purposes of this paragraph, "controlled country" means any country described in section 620(f) of the Foreign Assistance Act of 1961.

"Controlled country."

22 USC 2370.

(c) CIVIL PENALTIES; ADMINISTRATIVE SANCTIONS.—(1) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $10,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(2)(A) The authority under this Act to suspend or revoke the authority of any United States person to export goods or technology may be used with respect to any violation of the regulations issued pursuant to section 8(a) of this Act.

(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the regulations issued pursuant to section 8(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the regulations issued pursuant to section 8(a) of this Act shall be made available for public inspection and copying.

(d) PAYMENT OF PENALTIES.—The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed. In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the

Deferral or suspension.

collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.

(e) Refunds.—Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within 2 years after payment, on the ground of a material error of fact or law in the imposition of the penalty. Notwithstanding section 1346(a) of title 28, United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) Actions for Recovery of Penalties.—In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Other Authorities.—Nothing in subsection (c), (d), or (f) limits—

(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

50 USC app. 2411.

50 USC app. 2021 note, 2401 note.

Sec. 12. (a) General Authority.—To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949 or the Export Administration Act of 1969, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) Immunity.—No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of section 6002 of title 18, United States Code, shall apply with respect to any individual who specifically claims such privilege.

(c) CONFIDENTIALITY.—(1) Except as otherwise provided by the third sentence of section 8(b)(2) and by section 11(c)(2)(C) of this Act, information obtained under this Act on or before June 30, 1980, which is deemed confidential, including Shippers' Export Declarations, or with reference to which a request for confidential treatment is made by the person furnishing such information, shall be exempt from disclosure under section 552 of title 5, United States Code, and such information shall not be published or disclosed unless the Secretary determines that the withholding thereof is contrary to the national interest. Information obtained under this Act after June 30, 1980, may be withheld only to the extent permitted by statute, except that information obtained for the purpose of consideration of, or concerning, license applications under this Act shall be withheld from public disclosure unless the release of such information is determined by the Secretary to be in the national interest. Enactment of this subsection shall not affect any judicial proceeding commenced under section 552 of title 5, United States Code, to obtain access to boycott reports submitted prior to October 31, 1976, which was pending on May 15, 1979; but such proceeding shall be continued as if this Act had not been enacted.

Information disclosure.

Access to boycott reports.

(2) Nothing in this Act shall be construed as authorizing the withholding of information from the Congress, and all information obtained at any time under this Act or previous Acts regarding the control of exports, including any report or license application required under this Act, shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction. No such committee or subcommittee shall disclose any information obtained under this Act or previous Acts regarding the control of exports which is submitted on a confidential basis unless the full committee determines that the withholding thereof is contrary to the national interest.

Information, availability to Congress.

(d) REPORTING REQUIREMENTS.—In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

(e) SIMPLIFICATION OF REGULATIONS.—The Secretary, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(h), shall review the regulations issued under this Act and the commodity control list in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such regulations, by simplifying or clarifying such list, or by any other means.

Review of regulations.

EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 13. (a) EXEMPTION.—Except as provided in section 11(c)(2), the functions exercised under this Act are excluded from the operation of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

50 USC app. 2412.

(b) PUBLIC PARTICIPATION.—It is the intent of the Congress that, to the extent practicable, all regulations imposing controls on exports under this Act be issued in proposed form with meaningful opportunity for public comment before taking effect. In cases where a regulation imposing controls under this Act is issued with immediate effect, it is the intent of the Congress that meaningful opportunity for public comment also be provided and that the regulation be reissued in final form after public comments have been fully considered.

ANNUAL REPORT

Report to Congress. 50 USC app. 2413.

SEC. 14. (a) CONTENTS.—Not later than December 31 of each year, the Secretary shall submit to the Congress a report on the administration of this Act during the preceding fiscal year. All agencies shall cooperate fully with the Secretary in providing information for such report. Such report shall include detailed information with respect to—

(1) the implementation of the policies set forth in section 3;

(2) general licensing activities under sections 5, 6, and 7, and any changes in the exercise of the authorities contained in sections 5(a), 6(a), and 7(a);

(3) the results of the review of United States policy toward individual countries pursuant to section 5(b);

(4) the results, in as much detail as may be included consistent with the national security and the need to maintain the confidentiality of proprietary information, of the actions, including reviews and revisions of export controls maintained for national security purposes, required by section 5(c)(3);

(5) actions taken to carry out section 5(d);

(6) changes in categories of items under export control referred to in section 5(e);

(7) determinations of foreign availability made under section 5(f), the criteria used to make such determinations, the removal of any export controls under such section, and any evidence demonstrating a need to impose export controls for national security purposes notwithstanding foreign availability;

(8) actions taken in compliance with section 5(f)(5);

(9) the operation of the indexing system under section 5(g);

(10) consultations with the technical advisory committees established pursuant to section 5(h), the use made of the advice rendered by such committees, and the contributions of such committees toward implementing the policies set forth in this Act;

(11) the effectiveness of export controls imposed under section 6 in furthering the foreign policy of the United States;

(12) export controls and monitoring under section 7;

(13) the information contained in the reports required by section 7(b)(2), together with an analysis of—

(A) the impact on the economy and world trade of shortages or increased prices for commodities subject to monitoring under this Act or section 812 of the Agricultural Act of 1970;

7 USC 612c-3.

(B) the worldwide supply of such commodities; and

(C) actions being taken by other countries in response to such shortages or increased prices;

(14) actions taken by the President and the Secretary to carry out the antiboycott policies set forth in section 3(5) of this Act;

(15) organizational and procedural changes undertaken in furtherance of the policies set forth in this Act, including changes to increase the efficiency of the export licensing process and to fulfill the requirements of section 10, including an

analysis of the time required to process license applications, the number and disposition of export license applications taking more than 90 days to process, and an accounting of appeals received, court orders issued, and actions taken pursuant thereto under subsection (j) of such section;

(16) delegations of authority by the President as provided in section 4(e) of this Act;

(17) efforts to keep the business sector of the Nation informed with respect to policies and procedures adopted under this Act;

(18) any reviews undertaken in furtherance of the policies of this Act, including the results of the review required by section 12(d), and any action taken, on the basis of the review required by section 12(e), to simplify regulations issued under this Act;

(19) violations under section 11 and enforcement activities under section 12; and

(20) the issuance of regulations under the authority of this Act, including an explanation of each case in which regulations were not issued in accordance with the first sentence of section 13(b).

(b) Report on Certain Export Controls.—To the extent that the President determines that the policies set forth in section 3 of this Act require the control of the export of goods and technology other than those subject to multilateral controls, or require more stringent controls than the multilateral controls, the President shall include in each annual report the reasons for the need to impose, or to continue to impose, such controls and the estimated domestic economic impact on the various industries affected by such controls.

(c) Report on Negotiations.—The President shall include in each annual report a detailed report on the progress of the negotiations required by section 5(i), until such negotiations are concluded.

REGULATORY AUTHORITY

Regulations.
50 USC app. 2414.

Sec. 15. The President and the Secretary may issue such regulations as are necessary to carry out the provisions of this Act. Any such regulations issued to carry out the provisions of section 5(a), 6(a), 7(a), or 8(b) may apply to the financing, transporting, or other servicing of exports and the participation therein by any person.

DEFINITIONS

50 USC app. 2415.

Sec. 16. As used in this Act—

(1) the term "person" includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof;

(2) the term "United States person" means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President;

(3) the term "good" means any article, material, supply or manufactured product, including inspection and test equipment, and excluding technical data;

(4) the term "technology" means the information and know-how that can be used to design, produce, manufacture, utilize, or

reconstruct goods, including computer software and technical data, but not the goods themselves; and

(5) the term "Secretary" means the Secretary of Commerce.

EFFECT ON OTHER ACTS

50 USC app. 2416.

SEC. 17. (a) IN GENERAL.—Nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

(b) COORDINATION OF CONTROLS.—The authority granted to the President under this Act shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(c) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding any other provision of law, any product (1) which is standard equipment, certified by the Federal Aviation Administration, in civil aircraft and is an integral part of such aircraft, and (2) which is to be exported to a country other than a controlled country, shall be subject to export controls exclusively under this Act. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act. For purposes of this subsection, the term "controlled country" means any country described in section 620(f) of the Foreign Assistance Act of 1961.

22 USC 2370.

(d) NONPROLIFERATION CONTROLS.—(1) Nothing in section 5 or 6 of this Act shall be construed to supersede the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

(2) With respect to any export license application which, under the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, is referred to the Subgroup on Nuclear Export Coordination or other interagency group, the provisions of section 10 of this Act shall apply with respect to such license application only to the extent that they are consistent with such published procedures, except that if the processing of any such application under such procedures is not completed within 180 days after the receipt of the application by the Secretary, the applicant shall have the rights of appeal and court action provided in section 10(j) of this Act.

92 Stat. 141. 42 USC 2139.

(e) TERMINATION OF OTHER AUTHORITY.—On October 1, 1979, the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611-1613d), is superseded.

AUTHORIZATION OF APPROPRIATIONS

50 USC app. 2417.

SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act unless previously and specifically authorized by law.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

(1) $8,000,000 for each of the fiscal years 1980 and 1981, of which $1,250,000 shall be available for each such fiscal year only for purposes of carrying out foreign availability assessments pursuant to section 5(f)(5), and

(2) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other

employee benefits authorized by law, and other nondiscretionary costs.

EFFECTIVE DATE

SEC. 19. (a) EFFECTIVE DATE.—This Act shall take effect upon the expiration of the Export Administration Act of 1969.

50 USC app. 2418.

(b) ISSUANCE OF REGULATIONS.—(1) Regulations implementing the provisions of section 10 of this Act shall be issued and take effect not later than July 1, 1980.

50 USC app. 2401 note.

50 USC app. 2409 note.

(2) Regulations implementing the provisions of section 7(c) of this Act shall be issued and take effect not later than January 1, 1980.

50 USC app. 2406 note.

TERMINATION DATE

SEC. 20. The authority granted by this Act terminates on September 30, 1983, or upon any prior date which the President by proclamation may designate.

50 USC app. 2419.

SAVINGS PROVISIONS

SEC. 21. (a) IN GENERAL.—All delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action which have been made, issued, conducted, or allowed to become effective under the Export Control Act of 1949 or the Export Administration Act of 1969 and which are in effect at the time this Act takes effect shall continue in effect according to their terms until modified, superseded, set aside, or revoked under this Act.

50 USC app. 2420.

50 USC app. 2021 note.

(b) ADMINISTRATIVE PROCEEDINGS.—This Act shall not apply to any administrative proceedings commenced or any application for a license made, under the Export Administration Act of 1969, which is pending at the time this Act takes effect.

TECHNICAL AMENDMENTS

SEC. 22. (a) Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "sections 6(c), (d), (e), and (f) and 7(a) and (c) of the Export Administration Act of 1969" and inserting in lieu thereof "subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act".

(b)(1) Section 103(c) of the Energy Policy and Conservation Act (42 U.S.C. 6212(c)) is amended—

(A) by striking out "1969" and inserting in lieu thereof "1979"; and

(B) by striking out "(A)" and inserting in lieu thereof "(C)".

(2) Section 254(e)(3) of such Act (42 U.S.C. 6274(e)(3)) is amended by striking out "section 7 of the Export Administration Act of 1969" and inserting in lieu thereof "section 12 of the Export Administration Act of 1979".

(c) Section 993(c)(2)(D) of the Internal Revenue Code of 1954 (26 U.S.C. 993(c)(2)(D)) is amended—

(1) by striking out "4(b) of the Export Administration Act of 1969 (50 U.S.C. App. 2403(b))" and inserting in lieu thereof "7(a) of the Export Administration Act of 1979"; and

(2) by striking out "(A)" and inserting in lieu thereof "(C)".

INTERNATIONAL INVESTMENT SURVEY ACT AUTHORIZATIONS

SEC. 23. (a) Section 9 of the International Investment Survey Act of 1976 (22 U.S.C. 3108) is amended to read as follows:

"AUTHORIZATIONS

"SEC. 9. To carry out this Act, there are authorized to be appropriated $4,400,000 for the fiscal year ending September 30, 1980, and $4,500,000 for the fiscal year ending September 30, 1981.".

Effective date.
22 USC 3108 note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

MISCELLANEOUS

7 USC 1732.

SEC. 24. Section 402 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "or beer" in the second sentence immediately after "wine".

Approved September 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-200 accompanying H.R. 4034 (Comm. on Foreign Affairs) and No. 96-482 (Comm. of Conference).
SENATE REPORT No. 96-169 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- July 18, 20, 21, considered and passed Senate.
- May 31, July 23, Sept. 11, 18, 21, 25, H.R. 4034 considered and passed House; passage vacated and S. 737, amended, passed in lieu.
- Sept. 27, Senate agreed to conference report.
- Sept 28, House agreed to conference report.

Public Law 96-73
96th Congress

An Act

To amend the Rail Passenger Service Act to extend the authorization of appropriations for Amtrak for 2 additional years, and for other purposes.

Sept. 29, 1979
[H.R. 3996]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Amtrak Reorganization Act of 1979.

TITLE I—AMTRAK REORGANIZATION

SHORT TITLE

SECTION 101. This title may be cited as the "Amtrak Reorganization Act of 1979". 45 USC 501 note.

PURPOSES

SEC. 102. Section 101 of the Rail Passenger Service Act (45 U.S.C. 502) is amended— 45 USC 501.

(1) by inserting "(a)" immediately before "The Congress";

(2) by striking out "and" after "this purpose;";

(3) by striking out the period after "Railroad Passenger Corporation" and inserting in lieu thereof the following: "; and that rail passenger service offers significant benefits in public transportation for the safe movement of passengers with minimum energy expenditure and represents a significant national transportation asset in time of national emergency or energy shortage."; and

(4) by adding at the end thereof the following new subsection:

"(b) The Congress further finds that—

"(1) inadequately defined goals for the Corporation have denied its board of directors an effective role in guiding the Corporation or in promoting and increasing the number of intercity rail passengers;

"(2) uncertain goals and financial commitment have discouraged the development of effective corporate management;

"(3) uncertainty arising from the lack of specific goals has made the achievement of high employee morale difficult;

"(4) State participation in subsidizing interstate rail passenger service has, for the most part, been unworkable;

"(5) lack of full cooperation by the railroad industry has impeded effective systemwide operation of passenger trains by the Corporation; and

"(6) a greater degree of cooperation is necessary among railroads, the Corporation, States with subsidized service, labor organizations, and suppliers of services and equipment to the Corporation in order to achieve a level of performance sufficient to justify additional expenditure of public funds.".

GOALS

SEC. 103. (a) GOALS FOR AMTRAK.—The Rail Passenger Service Act (45 U.S.C. 501 et seq.) is amended by redesignating section 102 as 45 USC 502.

section 103 and by inserting after section 101 the following new section:

45 USC 501a.

"SEC. 102. GOALS.

"The Congress hereby establishes the following goals for Amtrak:

"(1) Improvement of on-time performance by at least 50 percent within the three-year period beginning on the date of enactment of this section.

"(2) Implementation of schedules which provide a systemwide average speed of at least 55 miles per hour, and which can be adhered to with a degree of reliability and passenger comfort.

"(3) Improvement of the ratio of revenues to operating expenses, with the goal of coverage of at least 44 percent of operating expenses, excluding depreciation, from revenues by the end of fiscal year 1982 and 50 percent by the end of fiscal year 1985.

"(4) Improvement of the feasibility of State-subsidized service through the use of technical assistance panels to coordinate, plan, and implement such service.

"(5) Encouragement of rail carriers to assist in improving intercity rail passenger service.

"(6) General improvement of Amtrak's performance through comprehensive, systematic operational programs and employee incentives.".

(b) TECHNICAL AMENDMENT.—The heading for title I of the Rail Passenger Service Act is amended by inserting "GOALS," after "PURPOSES,".

DEFINITIONS

45 USC 502.
Ante, p. 537.

SEC. 104. Section 103 of the Rail Passenger Service Act, as redesignated by this Act, is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For the purposes of this Act—

45 USC 741.

"(1) 'Amtrak' means the National Railroad Passenger Corporation created under title III of this Act.

"(2) 'Auto-ferry service' means intercity rail passenger service characterized by transportation of automobiles or recreational vehicles and their occupants.

"(3) 'Avoidable loss' means the avoidable costs of providing passenger service, less revenues attributable thereto, as determined by the Interstate Commerce Commission under the provisions of section 553 of title 5, United States Code.

45 USC 711, 763.
92 Stat. 923.
45 USC 521 note.
Post, p. 546.

"(4) 'Basic system' means (A) prior to October 1, 1979, the system of intercity rail passenger service designated by the Secretary under title II and section 403(a) of this Act, and (B) on and after October 1, 1979, the system of intercity rail passenger service designated by the Secretary under section 4 of the Amtrak Improvement Act of 1978 (Public Law 95-421) and approved by the Congress, and service required to be operated under sections 404(d) and 404(e) of this Act and under section 4(g) of the Amtrak Improvement Act of 1978, including changes to such system or service made by the Corporation using the Route and Service Criteria.

Post, pp. 539–541.

"(5) 'Center' means the Performance Evaluation Center established under section 305 of this Act.

"(6) 'Commission' means the Interstate Commerce Commission.

"(7) 'Corporation' means the National Railroad Passenger Corporation created under title III of this Act.

45 USC 741.

"(8) 'Intercity rail passenger service' means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations.

"(9) 'Model Program' means a program carried out by the Corporation under section 807 or section 809 of this Act and the employee assistance program established by the Corporation.

45 USC 646; *Post*, p. 551.

"(10) 'Panel' means a Technical Assistance Panel established under section 403(b) of this Act.

Post, p. 542.

"(11) 'Rail carrier' and 'railroad' mean a person providing railroad transportation for compensation.

"(12) 'Regional transportation agency' means an authority, corporation, or other entity established for the purpose of providing passenger service within a region.

"(13) 'Route and Service Criteria' means the Criteria and Procedures for Making Route and Service Decisions established pursuant to section 404(c) of this Act.

"(14) 'Secretary' means the Secretary of Transportation or his delegate unless the context indicates otherwise.".

REDUCED FARE PROGRAM

SEC. 105. Section 305(c) of the Rail Passenger Service Act (45 U.S.C. 545(c)) is amended—

(1) by inserting "(1)" immediately after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Within 90 days after the date of enactment of this paragraph, the Corporation shall establish a reduced fare program for elderly and handicapped individuals.

"(B) For purposes of this paragraph—

"(i) the term 'elderly individual' means a person who has attained the age of 65 years; and

"Elderly individual."

"(ii) the term 'handicapped individual' means any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has record of such an impairment, or is regarded as having such an impairment, but the term handicapped individual does not include any person who is an alcoholic or drug abuser.".

"Handicapped individual."

OPERATIONAL IMPROVEMENT PROGRAM

SEC. 106. Section 305 of the Rail Passenger Service Act (45 U.S.C. 545) is amended by redesignating subsections (f) through (j) as subsections (g) through (k), respectively, and by inserting after subsection (e) the following new subsection:

"(f) The Corporation shall, not later than January 1, 1981, develop and submit to the Congress and to the President a comprehensive plan for the improvement of all intercity rail passenger service provided in the basic system. The Corporation shall commence implementation of such plan as soon as practicable after all or any portion thereof is developed. Such plan shall include—

Comprehensive plan, submittal to President and Congress.

"(1) a zero-based assessment of all operating practices and implementation of changes to achieve the minimum use of employees consistent with safe operations and adequate service;

"(2) a systematic program for optimizing the ratio of train size to passenger demand;

"(3) a systematic program for trip time reduction on all trains in the basic system;

"(4) establishment of training programs to achieve on-time departures and priorities for passenger trains over freight trains en route;

"(5) adjustment of purchasing and pricing of food and beverages to achieve, as soon as practical after the date of enactment of this subsection, a continuing reduction in losses associated with food and beverage services with a goal of ultimate profitability;

"(6) cooperative marketing opportunities between the Corporation and governmental entities at all levels having intercity rail passenger service; and

"(7) cooperative marketing campaigns sponsored by the Corporation and the Department of Energy, the Federal Highway Administration, and the Environmental Protection Agency.".

REGIONAL MAINTENANCE PLAN

Establishment. *Ante*, p. 539.

SEC. 107. Section 305(g) of the Rail Passenger Service Act, as redesignated by this Act, is amended to read as follows:

"(g) The Corporation shall, not later than January 1, 1980, establish a Regional Maintenance Plan. Such plan shall include—

"(1) a review panel at corporate headquarters consisting of such members as the President of the Corporation shall designate;

"(2) a systemwide inventory of spare equipment parts by operational regions;

"(3) establishment of the necessary number of maintenance employees per number of cars and locomotives per region;

"(4) establishment of a systematic preventive maintenance program;

"(5) a method for periodic evaluation of maintenance costs, time lags, and parts shortages with appropriate corrective actions; and

"(6) such other elements or activities as the Corporation considers appropriate.".

RAILROAD POLICE

Ante, p. 539.

SEC. 108. Section 305(j) of the Rail Passenger Service Act, as redesignated by this Act, is amended by striking out "security guards" each place it appears and inserting in lieu thereof "railroad police" and by striking out "Security guards" and inserting in lieu thereof "Railroad police".

BUY AMERICA PROTECTION

Ante, p. 539.

SEC. 109. Section 305(k) of the Rail Passenger Service Act, as redesignated by this Act, is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) In addition to the exemptive authority set forth in paragraph (2), the Secretary may, upon application of the Corporation, exempt the Corporation from the requirements of paragraph (1) of this subsection with respect to the purchase of rolling stock or power train equipment if the Secretary determines that such rolling stock or power train equipment, as the case may be, cannot be purchased and delivered in the Untied States within a reasonable time.".

PERFORMANCE EVALUATION CENTER

SEC. 110. Section 305 of the Rail Passenger Service Act (45 U.S.C. 545), as amended by this Act, is further amended by adding at the end thereof the following new subsection:

Establishment.
Ante, p. 539.

"(l) The Corporation shall establish a Performance Evaluation Center within the Corporation which shall have the responsibility of providing an ongoing review of operations. The Center should evaluate both short-term and long-term operational problems and make recommendations for improvement of operations. Each six months, the Corporation shall submit a report of the Center's activities and recommendations to the appropriate authorizing committees of both Houses of Congress and to the Secretary.".

ADEQUACY OF SERVICE REPORTS

SEC. 111. (a) REPORTS.—Section 305 of the Rail Passenger Service Act (45 U.S.C. 545), as amended by this Act, is further amended by adding at the end thereof the following new subsection:

Supra.

"(m) For purposes of assessing the operational performance of trains, the President of the Corporation shall have the authority to direct the conductor on any Amtrak train to report to the Center any inadequacy of train operation. Adequacy of service reports required under this subsection shall be promptly transmitted to the Center. Each report shall be signed by the conductor and contain sufficient information to locate equipment or personnel failures.".

(b) REPEAL.—Section 801 of the Rail Passenger Service Act (45 U.S.C. 641) is hereby repealed.

Repeal.

APPLICABILITY OF OTHER LAWS

SEC. 112. (a) EXCEPTIONS TO APPLICABILITY.—Section 306(a) of the Rail Passenger Service Act (45 U.S.C. 546(a)) is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and" and by adding at the end thereof the following new paragraph:

"(4) the issuance of securities or the assumption of any obligation or liability with respect to the securities of others.".

(b) THROUGH ROUTES AND JOINT FARES.—Section 306(j)(2) of the Rail Passenger Service Act (45 U.S.C. 546(j)(2)) is amended by striking out "motor carrier" and inserting in lieu thereof "any domestic or international motor, air, or water carrier".

(c) PAY PERIODS AND QUALIFICATIONS.—Section 306 of the Rail Passenger Service Act (45 U.S.C. 546) is further amended by adding at the end thereof the following new subsections:

"(l) The Corporation shall not be subject to any State or local law relating to pay periods or days for payment of employees. No employee of the Corporation shall be paid less frequently than such employee is paid as of the effective date of this subsection, other than pursuant to an applicable collective bargaining agreement.

"(m) The Corporation shall be deemed to be qualified to do business in each State in which it performs any activity authorized under this Act. In connection with the performance of such activities, the Corporation shall accept service of process addressed by certified mail to the secretary of the Corporation at its principal office and place of business in Washington, District of Columbia. The Corporation shall be deemed to be a citizen of the District of Columbia for the purpose of determining the original jurisdiction of the district courts of the United States in civil actions to which the Corporation is party.".

REPORTS TO THE CONGRESS

45 USC 548.

SEC. 113. Section 308(a)(1) of the Rail Passenger Service Act of 1970 is amended to read as follows:

"(a)(1) Not later than the 45th day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:".

UNIFORM CONTRACT

SEC. 114. Section 402 of the Rail Passenger Service Act (45 U.S.C. 562) is amended by adding at the end thereof the following new subsection:

"(g) The Corporation shall enter into a contract with rail carriers on an industrywide basis to establish rights for the operation of special or charter trains between specific routes and points anywhere in the Nation upon provision of reasonable notice (of not less than seven days) to the carriers involved in the operation of any special or charter trains, except that with respect to rail lines on which rail passenger service has not been operated for the preceding 180 days, reasonable notice under this sentence shall be notice of not less than 21 days. If the Corporation and the rail carriers are unable to reach agreement by January 1, 1981, the Commission shall, upon application by the Corporation, order rail services to be provided under this subsection and shall, consistent with just and reasonable compensation principles, determine within 180 days after such date the proper amount of compensation for the provision of such services and the proper method of prior notification of the schedule and routing of a special or charter train by the Corporation."

NEW SERVICE

SEC. 115. ROUTE ADDITIONS.—Section 403(a) of the Rail Passenger Service Act (45 U.S.C. 563(a)) is amended to read as follows:

"(a) Except as otherwise provided in this Act, after October 1, 1979, all route additions shall be in accordance with the Route and Service Criteria.".

(b) SUBSIDIZED SERVICE.—Section 403(b) of the Rail Passenger Service Act (45 U.S.C. 563(b)) is amended to read as follows:

Application for additional service.

"(b)(1)(A) Any State or group of States, or any regional or local agency, may submit an application to the Corporation requesting the institution of rail passenger service in addition to that service provided in the basic system.

"(B) An application for rail passenger service under this subsection shall be submitted at least 180 days prior to the beginning of the fiscal year in which such service is to be operated, except that an application for service to be operated in the fiscal year ending September 30, 1980, shall be submitted no later than the 60th day following the beginning of such fiscal year.

"(C) Each application by a State or agency for rail passenger service under this subsection shall contain—

"(i) adequate assurances by such State or agency that it has sufficient resources to meet its share of the cost of such service for the period such service is to be provided;

"(ii) a market analysis acceptable to the Corporation to ensure that there is adequate demand to warrant such service;

"(iii) a statement by such State or agency that it agrees to provide 20 percent of the solely related costs of such service in the first year of operation, 35 percent of such costs in the second year of operation, and 50 percent of such costs in each year of operation thereafter; and

"(iv) a statement by such State or agency that it agrees to provide, in each year of operation of such service, 50 percent of the associated capital costs of operating such service.

Technical Assistance Panel.

"(2)(A) The Corporation shall review each application submitted by a State or agency for the institution of service under this subsection and shall convene a Technical Assistance Panel to consider such application if the Corporation determines that—

"(i) the application complies with requirements of paragraph (1)(C) of this subsection; and

"(ii) there is a reasonable probability that the service requested can be provided with the resources available to the Corporation.

"(B) The Corporation shall make its determinations under this paragraph, and convene a panel if appropriate, at least 150 days prior to the beginning of the fiscal year in which the service requested is to be operated, except that with respect to an application for service to be operated in the fiscal year ending September 30, 1980, the Corporation shall make its determinations, and convene a panel if appropriate, no later than 30 days after the date such application is submitted.

"(C) Any application submitted by a group of States shall be considered in the same manner as an application submitted by a single State, and not on the basis of whether each State that is a party to such application meets the requirements of paragraph (1)(C) of this subsection.

Members of panel.

"(3)(A) Each panel convened by the Corporation to consider an application shall be composed of—

"(i) a State rail planning official from each State that is a party to the application;

"(ii) a representative of the Corporation;

"(iii) a representative from a railroad labor organization representing operating crafts of employees; and

"(iv) a representative from a railroad labor organization representing nonoperating crafts of employees.

Recommendations.

"(B) The Corporation shall submit to each panel data projecting the solely related costs and associated capital costs of operating the service under consideration. Each panel shall, no later than 90 days after the date it is convened, consider and make recommendations to the Corporation with respect to—

"(i) appropriate measures for minimizing such costs, including measures such as—

"(I) the assumption by the applicant State or agency of certain responsibilities in connection with the operation of the service under consideration; and

"(II) a reduction in the labor costs of operating such service; and

"(ii) if more than one State is a party to the application, the appropriate manner for allocating such costs among the applicant States.

Agreements.

"(4)(A) After taking into account the recommendations of the panel with respect to rail passenger service requested by a State or agency under this subsection, the Corporation shall enter into an agreement with such State or agency for the institution of such service, in accordance with the funding formula set forth in paragraph (1)(C) of this subsection, if the Corporation determines that such service can be provided with resources available to the Corporation.

"(B) An agreement entered into pursuant to this section may by mutual agreement be renewed for one or more additional terms of not more than 2 years.

"(C) If more than one application is made for service and all applications are consistent with the requirements of this subsection, but all the services applied for cannot be provided with the available resources of the Corporation, the Board of Directors shall decide in its discretion which application or applications best serve the public interest and can be provided with the available resources of the Corporation, except that a proposal for State support of a service deleted from the basic system in effect prior to October 1, 1979, or the basic system in effect after such date, shall be given preference.

Fare increases.

"(5) Prior to instituting any fare increase that applies to service provided under this subsection and that represents an increase of more than 5 percent over a 6-month period, the Corporation shall consult with and obtain the views of the appropriate officials of each State to be affected by such fare increase. The Corporation shall provide the officials of each such State with an explanation of the circumstances warranting the proposed fare increase (such as the unique costs of or demand for the services involved).

Federal funds, limitation.

"(6)(A) Federal funds available for expenditure under this subsection shall not be in substitution for the average amount of State and local funds expended for the operation of rail services under this subsection in the State for the two fiscal years preceding the fiscal year for which the funds are made available.

Ante, p. 537.

"(B) If service provided under this subsection on the date of enactment of the Amtrak Reorganization Act of 1979 is terminated by a State or agency and such State or agency subsequently decides to resume such service, the Corporation shall agree to provide funding at the level provided under the contract in effect on such date of enactment.

Additional frequencies of service.

"(C) A State may add additional frequencies of service on an existing route. Additional frequencies shall be initiated in accordance with the funding formula described in paragraph (1)(C) of this subsection, without regard to funding ratios then in effect on other frequencies on such existing route.

"(7)(A) Any funds provided by the Corporation under an agreement with an agency pursuant to this subsection which are allocated for associated capital costs and which are not expended during the fiscal year for which they are provided shall remain available until expended.

Reimbursement.

"(B) An agency entering into an agreement with the Corporation for the operation of service under this subsection shall be entitled to reimbursement for staff services in an amount equal to 1½ percent of the operating losses and associated capital costs.

"(C) The Board of Directors shall establish the basis for determining the solely related costs and associated capital costs of service operated under this subsection, and the total revenue from such service.

Advertising and promotion, limitation.

"(8) Not more than five percent of all revenues generated by each particular route operated under the authority of this subsection shall be dedicated to advertising and promotion of such service on a local level.".

(c) Repeal.—Section 403(c) of the Rail Passenger Service Act (45 U.S.C. 563(c)) is repealed.

(d) Commuter Service.—Section 403(d) of the Rail Passenger Service Act (45 U.S.C. 563(d)) is amended—

(1) by inserting "(1)" immediately before "The Corporation";

(2) by inserting immediately after the first sentence thereof the following: "An agreement made pursuant to this section may by

mutual agreement be renewed for one or more additional terms of not more than two years."; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Any rail passenger service which is operated by the Corporation on January 1, 1979, and which constitutes commuter rail passenger service as defined in paragraph (1) of this subsection shall, until April 1, 1981, continue to be operated by the Corporation and funded in accordance with the method of funding in effect for that service on January 1, 1979. In addition, any rail passenger service which (A) is operated by the Consolidated Rail Corporation, (B) is the subject of an application for discontinuance filed with the Commission before July 15, 1979, and (C) constitutes commuter rail passenger service as defined in paragraph (1) of this subsection shall, until April 1, 1981, be operated by the Corporation and funded by the Corporation in the same manner as service operated under the preceding sentence.

Commuter based fares.

"(3) The Corporation shall, until April 1, 1981, continue to accept commuter based fares for any rail passenger service which it operates and for which such fares are accepted on January 1, 1979. Nothing in this paragraph shall be construed as prohibiting the Corporation or any other railroad from increasing the amount of any fare charged for rail passenger service."

SERVICE CHANGES

SEC. 116. (a) SERVICE CHANGES.—Section 404(b) of the Rail Passenger Service Act (45 U.S.C. 564(b)) is amended to read as follows:

"(b) After October 1, 1979, all route discontinuances by the Corporation shall be in accordance with the Route and Service Criteria.".

(b) TECHNICAL AMENDMENT.—Section 404 of the Rail Passenger Service Act (45 U.S.C. 564) is amended by striking out

"SEC. 404. DISCONTINUANCE OF SERVICE."

and inserting in lieu thereof

"SEC. 404. SERVICE CHANGES."

APPLICATION OF ROUTE AND SERVICE CRITERIA

SEC. 117. Section 404(c) of the Rail Passenger Service Act (45 U.S.C. 564(c)) is amended by adding at the end thereof the following new paragraph:

Review of long-distance routes.

"(4)(A) The Corporation shall conduct an annual review of each long-distance route in the basic system to determine if such route meets the criteria set forth in paragraph (1) of subsection (d) of this section, as adjusted to reflect constant 1979 dollars. If the Corporation determines, on the basis of such review, that a route fails to meet the criteria set forth in such paragraph, the Corporation shall evaluate such route under the Route and Service Criteria. If the Corporation determines, on the basis of such evaluation, that such route fails to meet the Route and Service Criteria, the Corporation shall discontinue the operation of rail passenger service over such route.

Review results, transmittal to Congress and Secretry of Transportation.

"(B) The annual review conducted by the Corporation under subparagraph (A) shall include an evaluation of the potential market demand for, and the cost of providing service on, portions or segments of long-distance routes, and the potential market demand for, and cost of providing service on, alternative routings. The Corporation shall transmit the results of the annual review to each House of the Congress and to the Secretary of Transportation.".

EXCEPTIONS TO APPLICABILITY OF ROUTE AND SERVICE CRITERIA

SEC. 118. Section 404(c) of the Rail Passenger Service Act (45 U.S.C. 564(c)), as amended by this Act, is further amended by adding at the end thereof the following new paragraph:

"(5) The Route and Service Criteria shall not apply to—

"(A) decisions of the Corporation to increase or, where construction schedules, other temporary disruptive factors, or seasonal fluctuations in ridership so warrant, to decrease frequency of service on existing routes or portions of existing routes or on routes where an additional frequency of service is being tested; and

"(B) rerouting of service between major population centers on existing routes.".

ADDITIONAL QUALIFYING ROUTES

SEC. 119. Section 404 of the Rail Passenger Service Act (45 U.S.C. 564) is amended by adding at the end thereof the following new subsections:

92 Stat. 923.
45 USC 521 note.

"(d)(1) Where reductions in operating expenses can be obtained, the Corporation shall operate rail passenger service over any long distance route which is recommended for discontinuance by the Secretary pursuant to section 4 of the Amtrak Improvement Act of 1978, with or without any restructuring of such route to serve major population centers as end points or principal intermediate points, in order to maintain a national intercity rail passenger system, if—

"(A) the short term avoidable loss per passenger mile on such route, as calculated by the Corporation and projected for the fiscal year ending September 30, 1980, is not more than 7 cents per passenger mile; and

"(B) the passenger mile per train mile on such route, as calculated by the Corporation and projected for the fiscal year ending September 30, 1980, is not less than 150.

Short term avoidable loss per passenger mile calculated by the Corporation for purposes of this subsection shall be based upon consistently defined factors for all types of routes, and such short term avoidable loss and passenger mile per train mile shall be calculated in the same manner for all routes. The Corporation shall make its calculations under this subsection on the basis of the most recent available statistics for a 90-day period, except that the Corporation may also utilize historical data (such as seasonal fluctuations in ridership) as long as such data is adjusted to reflect the most recent available statistics. The Corporation shall, no later than 30 days after the effective date of this subsection, submit a report to the Interstate and Foreign Commerce Committee of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the methodology, equations, factors used, assumptions, and results in connection with the calculation of short term avoidable loss per passenger mile and passenger mile per train mile under this subsection.

Report to congressional committees.

"(2) Where reductions in operating expenses can be obtained, the Corporation shall operate rail passenger service over any short-distance route which is recommended for discontinuance by the Secretary pursuant to section 4 of the Amtrak Improvement Act of 1978 with or without any restructuring of such route to serve major population centers as end-points or principal intermediate points, in order to maintain a national intercity rail passenger system, if—

"(A) the short-term avoidable loss per passenger mile on such route, as calculated by the Corporation and projected for the fiscal year ending September 30, 1980, is not more than 9 cents per passenger mile; and

"(B) the passenger mile per train mile, as calculated by the Corporation and projected for the fiscal year ending September 30, 1980, is not less than 80.

"(e)(1) In order to preserve regional balance in the national intercity rail passenger system and to ensure that long-distance routes recommended for discontinuance by the Secretary pursuant to section 4 of the Amtrak Improvement Act of 1978 which provide service to regions with few population centers in a large geographic area have equal opportunity to qualify for continued operation, the Corporation shall operate a long-distance route in each section of the United States (with sections being determined by dividing the United States into four quadrants) if—

92 Stat. 923.
45 USC 521 note.

"(A) service is not maintained on any long-distance route in that section under the criteria set forth in subsection (d)(1) of this section; and

"(B) the Corporation determines that (i) a long-distance route exists in that section which has shown and will show improvements in performance under the criteria, set forth in subsection (d)(1) of this section, and (ii) such route shows potential, under such criteria, to warrant maintenance in the system.

"(2) The Corporation shall not continue to operate any route under this subsection if service is provided on a significant part of that route by any other route.

"(3) Service operated on a route under this subsection shall continue to be operated after October 1, 1981, only if such route meets the criteria set forth in subsection (d)(1) of this section: *Provided,* That the Corporation shall continue to operate the Inter-American train to the Mexican border if that train meets the criteria set forth above.

"(f) For the purpose of this section and section 4 of the Amtrak Improvement Act of 1978, the reference to Tampa in table 4-1 at page 4-7 of the Secretary's Final Report to Congress on the Amtrak Route System, dated January 1979, shall be deemed to mean Saint Petersburg.

"(g) Notwithstanding any other provisions of this Act (including the requirements of section 403(d)), the Corporation is authorized, to the extent available resources permit, to operate short-haul trains, on a demonstration basis for the purpose of determining the feasibility and benefits of such services, on additional routes of 200 miles or less which link two or more major metropolitan areas.".

Ante, p. 544.

FREE OR REDUCED RATE TRANSPORTATION OF RAILROAD EMPLOYEES

SEC. 120. (a) REIMBURSEMENT RATE.—Section 405(f) of the Rail Passenger Service Act (45 U.S.C. 565(f)) is amended by striking out "The Corporation shall be reimbursed" and all that follows through "in accordance with the agreements." and inserting in lieu thereof the following: "Unless the Corporation and a railroad or group of railroads agree on a different basis for compensation, the Corporation shall, during the 2-year period beginning on the effective date of the Amtrak Reorganization Act of 1979, be reimbursed by each railroad at the rate of 25 percent of the systemwide average monthly yield per revenue passenger mile. Reimbursement at this rate is in lieu of any charges for liability incident to travel of railroad employees eligible for free or reduced-rate transportation and any other costs incurred by the Corporation in connection with free or reduced-rate transportation and any other costs incurred by the Corporation in connection with free or reduced-rate transportation. Nothing in this subsection shall preclude the Commission from ordering retroactive relief in any proceeding instituted or reopened after October 1, 1981.".

45 USC 565 note.

Ante, p. 547.

(b) REPORT.—The Comptroller General shall conduct a study of the free or reduced-rate transportation provided to railroad employees by the National Railroad Passenger Corporation under section 405(f) of the Rail Passenger Service Act. Within 180 days after the effective date of this Act, the Comptroller General shall submit a report to the Congress and to the Interstate Commerce Commission setting forth recommendations regarding the appropriate means for reimbursing the Corporation for the cost of providing such transportation services, taking into account the value of the services being provided.

RETENTION AND MAINTENANCE OF FACILITIES

SEC. 121. Title IV of the Rail Passenger Service Act (45 U.S.C. 561 et seq.) is amended by adding at the end thereof the following new section:

45 USC 566.

"SEC. 406. RETENTION AND MAINTENANCE OF FACILITIES.

Downgrading or disposal of a facility.

"(a) No facilities of a railroad (including a regional transportation agency) which are used in the operation of rail passenger services by the Corporation on February 1, 1979, shall be downgraded or disposed of without obtaining the prior approval of the Secretary under this section.

Notification.

"(b) Whenever any railroad intends to downgrade or dispose of a facility referred to in subsection (a) of this section which is not currently being used in the operation of services by the Corporation, such railroad shall first notify the Corporation of its intention to take such action. If, within 60 days after receipt by the Corporation of such notice, the Corporation and such railroad are not able to enter into an agreement for the retention or maintenance of such facility or for the conveyance to the Corporation of such facility or an interest therein, the railroad may apply to the Secretary for approval of the downgrading or disposal of the facility.

Approval.

"(c)(1) If the Corporation does not object to an application of a railroad to downgrade or dispose of a facility within 30 days after the date such application is submitted, the Secretary shall promptly approve such application.

"(2) If the Corporation makes a timely objection to such an application, the Secretary shall, within 180 days after the date of such objection, determine the costs which the railroad could avoid if it were not required to maintain or retain the facility in the condition requested by the Corporation. If the Corporation does not, within 60 days after the date of the Secretary's determination, agree to pay such avoidable costs to the railroad, the Secretary shall approve such application.

"(d)(1) In electing whether to enter into an agreement pursuant to this section to pay a railroad the avoidable costs of maintaining or retaining a facility, the Corporation shall consider—

"(A) the potential importance of restoring rail passenger service on the route on which such facility is located;

"(B) the market potential of such route;

"(C) the availability, adequacy, and energy efficiency of alternate modes or alternate rail lines for providing passenger transportation to or near the points which would be served by the route;

"(D) the extent to which major population centers would be served by such route;

"(E) the extent to which the provision of service over such route would encourage the expansion of a national intercity rail passenger system; and

"(F) the possibility of increased ridership on lines of railroad connecting with such route.

"(2)(A) In order to prepare for a valid and timely analysis of a facility, after a railroad gives notice pursuant to this section that it intends to downgrade or dispose of such facility, the Corporation shall conduct a survey of population centers with railroad passenger service facilities and shall update such survey from time to time as may be necessary or appropriate. Within 90 days after the date of enactment of this section, the Corporation shall take steps to prepare a survey plan which shall provide for—

Survey plan.

"(i) a target completion date for the survey of population centers of not later than 360 days after the ninetieth day after such date of enactment; and

"(ii) a system of collection, compilation, and storage of information gathered pursuant to the survey according to geographic region and according to whether a facility would be part of a short- or long-haul route.

"(B) The survey should facilitate an analysis of—

"(i) ridership potential by ascertaining existing travel patterns or changing travel patterns which would maximize efficiencies of railroad passenger service;

"(ii) the quality of service of competitors or likely competitors;

"(iii) the likelihood of the Corporation offering service at a competitive fare;

"(iv) opportunities to target advertising and fares to potential classes of riders;

"(v) economic characteristics of railroad passenger service associated with a facility and the extent to which such characteristics are consistent with sound economic principles of short- or long-haul railroad operations; and

"(vi) the feasibility of applying effective internal cost controls to a facility and the route which the facility would serve in order to improve over time the ratio of transportation expenses, excluding maintenance of track, structure, and equipment and depreciation, to passenger revenue.

"(e) For purposes of this section—

Definitions.

"(1) the term 'facilities' means railroad tracks, rights-of-way, fixed equipment and facilities, and real property appurtenant thereto, and includes signal systems, passenger station and repair tracks, station buildings, platforms, and adjunct facilities such as water, fuel, steam, electric, and air lines;

"(2) the downgrading of a facility means a reduction in track classification as specified in the Federal Railroad Administration track safety standards (49 C.F.R. 213), or any other change in such facilities which may increase the time required for a passenger train to operate over the route on which such facility is located; and

"(3) approval of downgrading or disposal under this section shall not be construed as relieving a railroad from compliance with its other common carrier or legal obligations with respect to a facility."

AUTHORIZATION OF APPROPRIATIONS

SEC. 122. (a) AUTHORIZATION.—Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended by adding at the end thereof the following new subsection:

"(b)(1) There are authorized to be appropriated to the Secretary for the benefit of the Corporation—

"(A) for the payment of operating expenses, not to exceed $630,900,000 for the fiscal year ending September 30, 1980, and not to exceed $674,900,000 for the fiscal year ending September 30, 1981, of which not less than $1,200,000 for the fiscal year ending September 30, 1980, and $1,000,000 for the fiscal year ending September 30, 1981, shall be available for the cost of Model Programs;

"(B) for the payment of the costs of capital acquisition or improvements to the basic system, including the payment of expenses for the retention and maintenance of facilities under section 406 of this Act, not to exceed $203,000,000 for the fiscal year ending September 30, 1980, not to exceed $244,000,000 for the fiscal year ending September 30, 1981, and not to exceed $254,000,000 for the fiscal year ending September 30, 1982;

Ante, p. 548.

"(C) for the payment of operating and capital expenses of rail passenger service provided pursuant to section 403(b) of this Act, not to exceed $23,800,000 for the fiscal year ending September 30, 1980, not to exceed $29,000,000 for the fiscal year ending September 30, 1981, and not to exceed $30,000,000 for the fiscal year ending September 30, 1982;

Ante, p. 542.

"(D) for labor protection payments required pursuant to section 405 of this Act, not to exceed $30,000,000 for the fiscal year ending September 30, 1980, not to exceed $12,000,000 for the fiscal year ending September 30, 1981, and not to exceed $20,000,000 for the fiscal year ending September 30, 1982; and any sums authorized by this subparagraph which remain available after such labor protection payments are made shall be made available to the Corporation for use in the payment of expenses and costs in accordance with subparagraphs (A) and (B) of this paragraph; and

"(E) for the payment of the principal of obligations (other than leases) of the Corporation which are guaranteed by the Secretary pursuant to section 602 of this Act, not to exceed $25,000,000 for the fiscal year ending September 30, 1980, not to exceed $25,000,000 for the fiscal year ending September 30, 1981, and not to exceed $25,000,000 for the fiscal year ending September 30, 1982.

45 USC 602.

"(2) Funds appropriated pursuant to this section shall be made available to the Secretary during the fiscal year for which appropriated, except that appropriations for capital acquisitions and improvements may be made in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation. Funds appropriated are authorized to remain available until expended. Appropriated sums shall be paid by the Secretary to the Corporation for expenditure by it in accordance with (A) the Secretary's budget request as approved or modified by Congress at the time of appropriation, and (B) guidelines established by the Secretary. Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days, unless the Corporation, for good cause, requests more frequent payment before the expiration of any 90-day period.

"(3) Funds appropriated for capital grants pursuant to this subsection shall be paid to the Corporation in each fiscal quarter, and such grants may be used by the Corporation for temporary reduction of outstanding loan balances, including loans guaranteed by the Secretary pursuant to section 602 of this Act.".

(b) TECHNICAL AMENDMENTS.—(1) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended—

(A) by striking out "(a)(1)" and inserting in lieu thereof "(a)"; and

(B) by striking out "(2) Funds appropriated for" and all that follows through "of this Act".

(2) Section 602(d) of the Rail Passenger Service Act (45 U.S.C. 602(d)) is amended by striking out "clause (3) of section 601(a)" and inserting in lieu thereof "section 601(a)(3) or section 601(b)(1)(E)".

EMPLOYEE COMPENSATION AND INCENTIVE COMMISSION

SEC. 123. Title VIII of the Rail Passenger Service Act (45 U.S.C. 641 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 808. EMPLOYEE COMPENSATION AND INCENTIVE COMMISSION.

45 USC 647.

"(a) The Secretary shall, within 30 days after the date of enactment of this section, name a five-member Employee Compensation and Incentive Commission. The members of the Commission shall be selected on the basis of their knowledge of the railroad industry.

Functions.

"(b) The Employee Compensation and Incentive Commission shall—

"(1) evaluate the salary paid officers of Amtrak in relation to Amtrak's ability to attract and maintain qualified officers; and

"(2) after consultation with the Corporation and railroad labor organizations, develop a program for improving Amtrak employee incentive and morale, including measures such as the institution of recognition and financial awards for outstanding employees.

"(c) The Employee Compensation and Incentive Commission shall, no later than March 1, 1980, submit recommendations to the Board of Directors of the Corporation with respect to the matters referred to in subsection (b) of this section. The Board of Directors shall, within 90 days after the date of submission, notify the Congress of (1) any action it plans to take to implement the Commission's recommendations, and (2) any proposals for additional legislation which the board considers necessary.".

MODEL PROGRAMS

SEC. 124. Title VIII of the Rail Passenger Service Act (45 U.S.C. 641 et seq.), as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. 809. MODEL PROGRAMS.

45 USC 648.

"Not later than October 1, 1979, the Corporation shall, in consultation with railroad labor organizations, develop and implement a Job Placement Program for employees who will be affected by the reduction in work force caused by the implementation of the Secretary's recommendations for the restructuring of routes. Such program shall emphasize the facilitation of reemployment of employees dismissed or dislocated as a result of corporate restructuring. In carrying out its responsibilities under this section, the Corporation shall attempt to reduce labor protection costs and maximize utilization of the employment skills of affected employees. Such program may include job counseling, placement advertising, skills improvement courses, and such other activities as the Corporation considers appropriate to facilitate reemployment of affected employees within or outside the rail industry."

STATE TAXATION STUDY

SEC. 125. Title VIII of the Rail Passenger Service Act (45 U.S.C. 641 et seq.), as amended by this Act, is further amended by adding at the end thereof the following new section:

45 USC 649.

"SEC. 810. STATE TAXATION STUDY.

"The Secretary shall conduct a study of the payment of taxes by the Corporation to State and local governments, including the payment of property taxes, sales taxes, gross revenue taxes, fuel taxes, licenses, and other user fees, and any other taxes paid by the Corporation to such governments, and shall make recommendations to the Congress no later than January 1, 1980, concerning the advisability of relieving the Corporation, either in whole or in part, of its obligation to make such payments. In conducting such study, the Secretary shall consider—

"(1) the requirement that the Corporation be operated and managed as a for-profit corporation;

"(2) the certainty that the Corporation will need substantial Federal subsidies for the foreseeable future;

"(3) the demand by States and localities for continued and increased federally funded rail passenger service;

"(4) the benefit to States and localities of rail passenger service directly funded by the Federal Government; and

"(5) the importance to the Nation of maintaining an efficient and reliable national rail transportation system."

REPORT ON REVENUES AND EXPENSES

SEC. 126. Title VIII of the Rail Passenger Service Act (45 U.S.C. 641 et seq.), as amended by this Act, is further amended by adding at the end thereof the following new section:

"REVENUE REPORT

45 USC 650.

"SEC. 811. Within 60 days of the end of each fiscal year beginning with fiscal year 1981, the Corporation shall report to the Congress on the ratio of revenue to operating expenses on all routes in the basic system. As part of such report, the Corporation shall specifically identify those train routes which did not achieve a 50 percent revenue-to-expense ratio, and the Corporation shall include statements explaining the reasons which prevented such ratios from being achieved."

IMPLEMENTATION OF THE NEW ROUTE PLAN

92 Stat. 923.
45 USC 521 note.

SEC. 127. Section 4(g) of the Amtrak Improvement Act of 1978 (Public Law 95-421) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided, however,* That implementation of the Secretary's recommendations which require (1) operation over rail lines not used in intercity passenger service upon the date of approval thereof; (2) use of new facilities; or (3) new labor agreements, may be deferred by the Corporation until any necessary capital improvements in such lines or facilities, or required labor agreements, are made, to permit service that is equivalent or improved service and is consistent with the goals contained in subsection (a) of this section: *And provided further*, That, notwithstanding any other provision of law, pending deferred implementation of such recommendations, the Corporation shall provide substitute service over existing routes which are recommended for restructuring in whole or in part and over other feasible existing routes, without reference to the Route and Service Criteria. Substitute service provided over an existing route under this paragraph shall continue to be operated after October 1, 1981, only if such route meets the criteria set forth in section 404(d)(1) of the Rail Passenger Service Act, as adjusted to reflect constant 1979 dollars; but excepting any short-haul route concentrating on commuter ridership.".

Ante, p. 546.

INTERMODAL TERMINAL PROGRAM

SEC. 128. The first sentence of section 4(i)(5) of the Department of Transportation Act (49 U.S.C. 1653(i)(5)) is amended by striking out "within two years following the approval of the application for Federal financial assistance under this subsection" and inserting in lieu thereof "within such time period as the Secretary establishes".

GAO STUDY OF DEBT ELIMINATION

Report to Congress.
45 USC 602 note.

SEC. 129. Within 180 days after the effective date of this Act, the Comptroller General shall submit a report to the Congress recommending appropriate means for the National Railroad Passenger Corporation to eliminate the obligations of the Corporation that are guaranteed under section 602 of the Rail Passenger Service Act. In developing such recommendations, the Comptroller General shall consider (1) the feasibility of converting such obligations into stock issued by the Corporation, (2) the likelihood of obligation retirement from profits of the Corporation, (3) the ability of the Corporation to continue to carry its debt service within the context of operating subsidies, fairly and accurately reflecting current operating costs, and (4) the extent to which debt incurred by the Corporation prior to the effective date of this Act should be recognized as unrecoverable.

45 USC 602.

SERVICE ON PORTION OR SEGMENT OF DISCONTINUED ROUTES

45 USC 564 note.

SEC. 130. The National Railroad Passenger Corporation shall conduct an evaluation of the possibility of providing rail passenger service on a portion or segment of any route over which service is discontinued on or after October 1, 1979. Such evaluation shall include an examination of the potential market demand for rail passenger service over a portion or segment of any such discontinued route, and the cost of providing such service. The Corporation shall, no later than February 15, 1980, submit a report to both Houses of the Congress and to the Secretary of Transportation setting forth its findings under this section.

Report to Congress and Secretary of Transportation.

MAIL AND EXPRESS REVENUES

Report to Congress.
45 USC 545a note.

SEC. 131. The National Railroad Passenger Corporation shall, in conjunction with the United States Postal Service, determine those mail transportation requirements which can be met by the Corporation and shall develop and submit to the Congress, no later than April

30, 1980, a report setting forth recommendations designed to enable the Corporation to achieve maximum levels of mail carriage and revenues derived from such carriage. Such report shall include the following considerations:

(1) the modification of existing facilities to handle mail and express more efficiently;

(2) the acquisition of modern materials handling equipment and rolling stock;

(3) optimum scheduling;

(4) trains devoted exclusively to mail carriage;

(5) staffing and promotional requirements; and

(6) proposals for such legislative action as may be appropriate.

AMTRAK ROUTE ALLOCATION STUDY

Report to Congress.
45 USC 545 note.

SEC. 132. (a) COST ALLOCATION REPORT.—(1) Not later than April 30, 1980, the President of the National Railroad Passenger Corporation shall submit a report to the Congress on the feasibility of establishing a system of uniform cost allocation for the Corporation which would include—

(A) the avoidable cost by route;

(B) the revenue (including mail and State subsidies, if any) by route;

(C) the fully allocated cost by route;

(D) the number of passengers carried by route;

(E) the avoidable profit or loss by route;

(F) the fully allocated profit or loss by route;

(G) the profit or loss per passenger by route; and

(H) the profit or loss by revenue passenger mile.

Definitions.

(2) For the purposes of this section, the term—

(A) "avoidable profit or loss" means the result of all revenue attributable to a route minus all reasonable and necessary expenses (including use of tracks and other facilities) which would be incurred by a carrier in providing a service which the carrier can establish that it would not incur if such service were not operated, and all other services were continued; such costs shall be restricted to costs solely related to the service and variable portion of common costs which would not be incurred but for the existence of the service; such costs shall exclude fixed common costs, allocation of any common costs which do not vary as a consequence of providing the service, return on investment, rent, and any other costs which the carrier cannot establish that it would not have reasonably and necessarily incurred but for the existence of the service;

(B) "fully allocated profit or loss" means the avoidable costs plus all other costs, other than unallocated costs, allocated to a route according to the Corporation's current accounting practices; and

(C) "unallocated costs" means those corporate interest, general, and administrative costs not assigned to particular routes.

(b) PROFIT AND LOSS REPORT.—(1) The Corporation shall prepare and submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Interstate and Foreign Commerce and the Committee on Appropriations of the House of Representatives not later than April 30, 1980, a report containing—

(A) a profit and loss table by route for the upcoming fiscal year, assuming a 50 percent Government reimbursement of the fully allocated losses experienced by each such route; and

(B) the average ticket subsidy required to show a systemwide public service profit (above and beyond such 50 percent Government reimbursement) for the upcoming fiscal year.

(2) Such reports shall be based on the best possible data available to the Corporation including, but not limited to, historical ridership trends, marketing studies, general economic conditions, ticket pricing policies, levels of services and equipment availability among other factors.

"Public service profit."

(3) For the purposes of this section, the term "public service profit" means the profit or loss experienced on each route after the Government subsidies (both operating and ticket) are added to such route's revenues.

TITLE II—AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended to read as follows:

"(c) ASSOCIATION.—For the fiscal year ending September 30, 1980, there are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed $28,500,000. Sums appropriated under this subsection are authorized to remain available until expended.".

REPORT ON SPECIAL COURT PROCEEDINGS

SEC. 202. Section 202(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 712(e)) is amended by adding at the end thereof the following new paragraphs:

"(3) The Association shall transmit to the Congress, no later than 30 days after the end of each fiscal quarter, a report with respect to the proceedings before the special court to determine the valuation of rail properties conveyed to the Corporation under section 303 of this Act. Each such report shall include—

45 USC 743.

"(A) a detailed accounting of the Federal funds expended during such quarter in connection with such proceedings, and the purposes for which such funds were expended;

"(B) an explanation of the status of such proceedings, including the prospects for settlement or conclusion; and

"(C) an identification of which responsibilities in connection with such proceedings are being carried out directly by the Association, and which are being carried out by contract with private organizations.".

TRANSFER OF FUNCTIONS; MONITORING

SEC. 203. Section 202 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 712) is amended by adding at the end thereof the following new subsections:

Feasibility study.

"(h) TRANSFER OF LITIGATION.—No later than March 1, 1980, the Association and the Attorney General of the United States shall develop and submit to the Congress a feasibility study for the transfer, to the appropriate department or agency of the Federal Government, of all responsibility for representing the United States in the proceedings before the special court to determine the valuation

best copy available

of rail properties conveyed to the Corporation under section 303 of this Act. 45 USC 743.

"(i) **Transfer of Other Functions.**—No later than March 1, 1980, the Association and the Secretary of Transportation shall develop and submit to the Congress a feasibility study for the transfer of all functions of the Association, other than those referred to in subsection (h) of this section, to the appropriate department or agency of the Federal Government, including the abolition of those functions which will no longer be necessary.

"(j) **Monitoring of Contractors.**—The Board of Directors of the Association shall adopt procedures to insure (1) that contractors, including law firms, provide reports containing written verification of tasks assigned, work performed, time worked, and costs incurred, including periodic status reports on work performed, (2) that such reports are audited by the Association, (3) that no funds are paid to contractors without written reports complying with the requirements of this subsection, and (4) that the Association applies such procedures uniformly to all contractors."

INSURANCE COVERAGE

Sec. 204. (a) **Payment of Premiums and Benefits.**—Section 303(b)(6)(B) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(b)(6)(B)) is amended by striking out the first and second sentences and inserting in lieu thereof the following:

"(B) The Corporation shall, through the purchase of insurance or otherwise, maintain in effect any medical insurance coverage or so much of any life insurance coverage that does not exceed in death benefits an amount equal to twice the employee's annual salary at the time of retirement or $60,000, whichever is lower, which coverage was maintained by a railroad in reorganization in the region immediately prior to April 1, 1976, and which provides insurance benefits to employees who retired, prior to April 1, 1976, from service with such a railroad. With respect to any such employee whose medical or life insurance coverage lapsed after April 1, 1976, due to nonpayment of premiums, the Corporation shall—

"(i) through the purchase of insurance or otherwise, provide medical insurance benefits or life insurance benefits at the same level as were provided by the employer railroad in reorganization and in effect with respect to such employees immediately prior to April 1, 1976, except that the life insurance benefits so provided shall not exceed in death benefits an amount equal to twice the employee's annual salary at the time of retirement or $60,000, whichever is lower; and

"(ii) assume and pay any claim for such employee (or his personal representative) for any such insurance benefits, if—

"(I) such claim arose during the period beginning April 1, 1976, and ending on the date insurance coverage is provided pursuant to clause (i) of this subparagraph;

"(II) such benefits were not paid by an insurer solely because of the lapse of the insurance coverage during such period,

except that such death benefits shall not be paid for any such employee in excess of an amount equal to twice the employee's annual salary at the time of retirement or $60,000, whichever is lower.".

(b) **Amendments to Section 211(h).**—(1) Section 211(h)(1)(A)(viii) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741(h)(1)(A)(viii)) is amended to read as follows: 45 USC 721.

"(viii) amounts required to provide adequate funding for continuation, by the Corporation, of medical and life insurance coverage and benefits for retired employees of railroads in reorganization as required and limited by section 303(b)(6)(B) of this Act.".

(2) Section 211(h)(6) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741(h)(6)) is amended— 45 USC 721.

(A) by inserting "(A)" immediately before "Notwithstanding";

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(C) by adding at the end thereof the following new paragraph:

"(B) The Association shall have a direct claim, as a current expense of administration of the estate of the railroad in reorganization whose obligations were paid with the proceeds of loans forgiven under this paragraph, equal to the amount by which the loans, plus interest, have been forgiven. Such direct claim shall not be subject to any reduction by way of setoff, cross-claim, or counterclaim which the estate of such railroad in reorganization may be entitled to assert against the Corporation, the National Railroad Passenger Corporation, the Association, or the United States. The direct claim of the Association under this paragraph shall be prior to all other administrative claims of the estate of the railroad in reorganization, except claims arising under trustee's certificates or from default on the payment of such certificates ".

TITLE III—OFFICE OF RAIL PUBLIC COUNSEL

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 10388 of title 49, United States Code, is amended to read as follows: 92 Stat. 1358.

"§ 10388. Authorization of appropriations

"There is authorized to be appropriated to the Office of Rail Public Counsel to carry out this subchapter not to exceed $1,200,000 for the fiscal year ending September 30, 1980 ".

TITLE IV—AMENDMENTS TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

EXTENSION OF FINANCIAL ASSISTANCE PROGRAM

SEC. 401. Sections 505(e), 507(a), 507(d), and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(e), 827(a), 827(d), and 829) are amended by striking out "September 30, 1979" each place it appears and inserting in lieu thereof "September 30, 1980".

TITLE V—EFFECTIVE DATES

EFFECTIVE DATES

45 USC 501 note. **SEC. 501. (a) Except as provided in subsection (b), the provisions of this Act shall take effect on October 1, 1979.**

45 USC 743 note. **(b) The amendments made by section 204 of this Act shall be effective as of the date of enactment of Public Law 95-597.**

Approved September 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-189 (Comm. on Interstate and Foreign Commerce) and No. 96-481 (Comm. of Conference).

SENATE REPORT No. 96-183 accompanying S. 712 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 125 (1979):

- July 24, 25, considered and passed House.
- Aug. 1, S. 712 considered and passed Senate.
- Aug. 2, action of Aug. 1 vitiated and H.R. 3996 considered and passed Senate, amended, in lieu.
- Sept. 25, Senate agreed to conference report.
- Sept. 27, House agreed to conference report, receded from its disagreement and concurred in Senate amendment.

Public Law 96-74
96th Congress

An Act

Sept. 29, 1979
[H.R. 4393]

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1980, and for other purposes.

Treasury, Postal Service, and General Government Appropriations Act, 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1980, and for other purposes, namely:

Treasury Department Appropriations Act, 1980.

TITLE I

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles; and not to exceed $15,000 for official reception and representation expenses; $30,700,000 of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential character, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate.

INTERNATIONAL AFFAIRS

For the necessary expenses of the international affairs function of the Office of the Secretary; hire of passenger motor vehicles; maintenance, repairs, and improvement of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; and not to exceed $80,000 for official reception and representation expenses; $22,726,000 to be available only upon enactment into law of authorizing legislation.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including purchase (not to exceed eight for police-type use) and hire of passenger motor vehicles; not to exceed $60,000 for expenses for student athletic and related activities; participation in firearms matches; repair; and services as authorized by 5 U.S.C. 3109; $13,003,000.

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Government Financial Operations, $190,361,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), $200,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms including purchase of (not to exceed three hundred of which two hundred and fifty shall be for replacement only, for police-type use), and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; $138,482,600: *Provided,* That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipt and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978. 43 FR 11800.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of two hundred passenger motor vehicles for replacement only, including one hundred and ninety for police-type use; operation, and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers as authorized by the Act of August 13, 1954 (22 U.S.C. 401); $447,457,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,200,000 for research and studies shall remain available until expended and of which at least $5,300,000 shall be available for the Antidumping and Countervailing Duty Program: *Provided,* That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, $59,047,000.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $183,466,000.

Internal Revenue Service

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, management services, and centrally directed legal, technical, and internal audit and security operations; including purchase (not to exceed seventy for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 638a(a)); and services as authorized by 5 U.S.C. 3109 at such rates as may be determined by the Commissioner; $142,908,000.

TAXPAYER SERVICE AND RETURNS PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns; revenue accounting; providing assistance to taxpayers; statistical reporting; and hire of passenger motor vehicles (31 U.S.C. 638a(a)); $773,660,000.

EXAMINATIONS AND APPEALS

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; and hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109 at such rates as may be determined by the Commissioner; $799,000,000.

INVESTIGATIONS AND COLLECTIONS

For necessary expenses of the Internal Revenue Service for investigation and enforcement activities; including purchase (not to exceed three hundred and ninety-five for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 638a(a)); securing unfiled tax returns; collecting unpaid accounts; employee plans; exempt organizations; and services as authorized by 5 U.S.C. 3109 at such rates as may be determined by the Commissioner; $476,711,000.

PAYMENT WHERE ENERGY CREDIT EXCEEDS LIABILITY FOR TAX

For necessary expenses to carry out the energy credit provisions of the Energy Tax Act of 1978 (Public Law 95-618), $900,000.

92 Stat. 3174.
26 USC 1 note.

UNITED STATES SECRET SERVICE

Salaries and Expenses

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed two hundred and twelve for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments which may be provided without reimbursement; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be necessary to perform protective functions; the conducting and participation in firearms matches; $157,000,000, of which not to exceed $750,000 shall remain available until expended, for payments to State and local governments for protection of permanent and observer foreign diplomatic missions, pursuant to Public Law 94-196 including costs of providing protection for motorcades and at other places associated with a visit qualifying under section 202(7) of title 3, United States Code; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided,* That approval is obtained in advance from the House and Senate Committees on Appropriations: *Provided further,* That funds appropriated herein will be available for repairs and alterations of the Beltsville, Maryland, facility and for research and development.

3 USC 202, 208.

Advance approval from congressional committees.

GENERAL PROVISIONS—TREASURY DEPARTMENT

Sec. 101. Appropriations in this Act to the Treasury Department shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-2) including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

Sec. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communication in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

26 USC 1 *et seq.*

15 USC 1692d.

Sec. 103. None of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954 unless in effect prior to August 22, 1978.

26 USC 501.

Citation of title.

This title may be cited as the "Treasury Department Appropriations Act, 1980".

Postal Service Appropriation Act, 1980.

TITLE II

U.S. POSTAL SERVICE

Payment to the Postal Service Fund

For payment to the Postal Service Fund for public service costs and for revenue foregone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c), and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004, $1,676,810,000: *Provided,* That no funds appropriated herein shall be available for implementing special bulk third-class rates for "qualified political committees" authorized by Public Law 95-593, other than the National, State, or congressional committee of a major or minor party as defined in Public Law 92-178, as amended.

92 Stat. 2535.

26 USC 1 note.

This title may be cited as the "Postal Service Appropriation Act, 1980". Citation of title.

TITLE III

Executive Office Appropriations Act, 1980.

EXECUTIVE OFFICE OF THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 701 of title 31 of the United States Code: *Provided, further,* That none of the funds made available for official expenses shall be considered as taxable to the President. 3 USC 102 note.

Office of Administration

SALARIES AND EXPENSES

For expenses necessary for the Office of Administration, $7,920,000, including hire of passenger motor vehicles.

The White House Office

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105, and other personal services as authorized by 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $15,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $18,210,000.

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence, at the White House and official entertainment expenses of the President, $2,957,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114. 92 Stat. 2449, 2450.

Official Residence of the Vice President

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, and not to exceed $60,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $233,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including hire of passenger motor vehicles, $1,404,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $2,075,000.

COUNCIL ON WAGE AND PRICE STABILITY

SALARIES AND EXPENSES

For expenses necessary for the Council on Wage and Price Stability as authorized by the Council on Wage and Price Stability Act of 1974 (Public Law 93-387 as amended by Public Law 94-78 and Public Law 95-121), $8,483,000: *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with enlisting voluntary individual or group participation from the public to help monitor the performance of the Council's anti-inflationary programs.

12 USC 1904 note.

DOMESTIC POLICY STAFF

SALARIES AND EXPENSES

For necessary expenses of the Domestic Policy Staff, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107, and other personal services as authorized by 3 U.S.C. 107, $2,600,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by 5 U.S.C. 3109, $3,557,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $32,400,000.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109, $3,000,000: *Provided*, That there shall be transferred from the Department of Defense to the Office of Federal Procurement Policy the functions performed by the Federal Acquisition Institute, including personnel.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, and to pay administrative expenses (including personnel, in his discretion and without regard to any provision of law regulating employment and pay of persons in the government service or regulating expenditures of government funds) incurred with respect thereto, $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1980". Citation of title.

TITLE IV

INDEPENDENT AGENCIES

Independent Agencies Appropriations Act, 1980.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), $1,079,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959, as amended (73 Stat. 703-706), $1,654,000.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306, $232,000.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles, $481,000. 41 USC 46.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1976, $8,646,000, of which $400,000 shall be available only for activities, including contract support, of the National Clearinghouse of the Federal Election Commission. 2 USC 431 note.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $1,427,268,000, of which (1) not to exceed $36,380,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:
  Mississippi:
    Jackson, Motor Pool, $367,000
  Texas:
    El Paso, Federal Office Building, $21,573,000
    Laredo, Border Station, $7,100,000
  Utah:
    Salt Lake City, Motor Pool, $282,000
Purchase:
  Massachusetts:
    Acquisition and Improvements of United States Postal Service Properties, $7,058,000:

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1981, except funds for projects as to which funds have been obligated in whole or in part prior to such date; (2) not to exceed $145,953,000, which shall remain available until expended, for alterations and major repairs: *Provided*, That funds in the Federal Buildings Fund for Alterations and Major Repairs shall, for prospectus projects, be limited to the amount by project shown in the budget justification therefor, except each project may be increased by an amount not to exceed 10 per centum: *Provided further,* That all funds for alterations and major repair prospectus projects shall expire on September 30, 1981, except funds for projects as to which funds have been obligated in whole or in part prior to such date; (3) not to exceed $99,700,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed $574,700,000 for rental of space; (5) not to exceed $498,063,000 for real property operations, and (6) not to exceed $72,472,000 for program direction and centralized services: *Provided,* That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration shall be available for expenses in connection with any project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further,* That any revenues and collections and any other sums accruing to this fund during fiscal year 1980, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $1,427,268,000, shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts: *Provided further,* That for additional expenses necessary to reimburse the fund established pursuant to section 210 of the Federal Property and Administrative Services Act of 1949, as amended, for expenditures made under 210(j) of said Act, $115,000 to be deposited to said fund.

40 USC 601 note.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement (including royalty payments), inspection, standardization, transportation and public utility activities, and other supply management activities as authorized by law, $143,028,000.

National Archives and Records Service

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, including acceptance and utilization of voluntary and uncompensated services, $80,446,000, of which $4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

RECORDS DECLASSIFICATION

50 USC 401 note.

For expenses necessary for the review and declassification of documents, the Information Security Oversight Office, and related records management activities, pursuant to 44 U.S.C. 2104, 2108, and 2904 and implementing provisions of Executive Order 12065, directives issued pursuant thereto, and other applicable authorities, including expenses not otherwise provided for, and acceptance and utilization of voluntary and uncompensated services, $3,055,000.

Automated Data and Telecommunications Service

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for carrying out government-wide responsibilities relating to automated data management, telecommunications and related activities, as authorized by law, including services as authorized by 5 U.S.C. 3109, $9,200,000.

Federal Telecommunications Fund

To increase the capital of the Federal Telecommunications Fund, established by section 110 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 757), $5,000,000.

Federal Property Resources Activities

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

7 USC 1704.

16 USC 460l–5.

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property and disposal of surplus real and related personal property; the utilization of excess personal property; the disposal of surplus personal property; the rehabilitation of personal property; the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h); the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607); the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166); including services as authorized by 5 U.S.C. 3109 and reimbursement for security guard services, $43,453,000, of which $6,526,000 shall be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460 1-5): *Provided*, That during the current fiscal year the General Services

Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government: *Provided further,* That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further,* That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166), and excess materials in the national stockpile and the supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

GENERAL MANAGEMENT AND AGENCY OPERATIONS

SALARIES AND EXPENSES

For expenses of general management and agency operations of activities under the control of the General Services Administration, $6,675,000: *Provided,* That not to exceed $2,500 shall be available for reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $18,874,000: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the government, including payment for recovery of stolen government property.

INDIAN TRUST ACCOUNTING

For expenses necessary to provide accounting, records management, and other support incident to adjudication of Indian Tribal claims by the United States Court of Claims, $2,725,000: *Provided,* That none of these funds shall be available for transfer to any other account.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $759,500: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

Administrative and Staff Support Services

SALARIES AND EXPENSES

For administrative expenses necessary in providing general administrative and staff support services within the General Services Administration, not otherwise provided for, $97,000,000: *Provided*, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to section 601 of the Economy Act of 1932, as amended (31 U.S.C. 686).

Public Services

For necessary expenses of management and operation of the Business Service Centers and Federal Information Centers, including services authorized by 5 U.S.C. 3109, $6,669,000.

General Provisions—General Services Administration

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129): and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget. 50 USC 451 *et seq.*

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. None of the funds available under this Act or under section 111 of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration-Department of Agriculture MCS project 97-72 contained in the Request for Proposal CDPA 74-14, any successor to such project, or any other common user shared facilities authorized under section 111 of the Federal Property and Administrative Services Act of 1949. 40 USC 759.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management; pursuant to Reorganization Plan No. 2 of 1978 and the Civil Service Reform Act of 1978; including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; including not more than $600,000 for the conduct of research and demonstration projects; and advances or reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under

92 Stat. 3784.
92 Stat. 1111.
5 USC 1101 note.

Executive Order 10422 of January 9, 1953, as amended; $113,939,000 together with not to exceed $33,659,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of this appropriation shall be available for the salaries and expenses of the Legal Examining Unit of the Office of Personnel Management, established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

22 USC 287 note.

3 CFR 1943–1948 Comp., p. 256.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $626,509,000, to remain available until expended.

5 USC 8901 *et seq.*

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts, to be credited to the Civil Service retirement and disability funds, $2,411,104,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181), and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service retirement and disability fund.

33 USC 776.

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

For grants to improve State and local personnel administration, as authorized by the Intergovernmental Personnel Act of 1970, $20,000,000, to remain available until expended.

42 USC 4701 note.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out functions of the Merit Systems Protection Board; pursuant to Reorganization Plan No. 2 of 1978; and the Civil Service Reform Act of 1978; including services as authorized by 5 U.S.C. 3109; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $1,500 for official reception and representation expenses, $12,075,000 together with not to exceed $255,000 for current fiscal year administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

92 Stat. 3784.
92 Stat. 1111.
5 USC 1101 note.

Office of Special Counsel

SALARIES AND EXPENSES

92 Stat. 3784.
92 Stat. 1111.
5 USC 1101 note.

For expenses necessary to carry out functions of the Office of Special Counsel; pursuant to Reorganization Plan No. 2 of 1978; and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $4,516,000.

Federal Labor Relations Authority

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan No. 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere, not to exceed $1,500 for official reception and representation expenses: $12,132,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109.

President's Commission on Pension Policy

SALARIES AND EXPENSES

For necessary expenses for the President's Commission on Pension Policy, $2,000,000, to remain available until expended.

United States Tax Court

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $9,391,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

26 USC 7443 note.
Citation of title.

This title may be cited as the "Independent Agencies Appropriations Act, 1980".

TITLE V—GENERAL PROVISIONS

This Act

Travel expenses.

Sec. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules.

Employee military leave, position restoration.

Sec. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Offices outside D.C., limitations.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided,* That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Foreign made tools, procurement restriction.

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

32 CFR 6-104.4.

Stainless steel flatware, procurement restriction.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulation, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 507. None of the funds available under this Act shall be available for administrative expenses in connection with the transfer of any functions, personnel, facilities, equipment, or funds out of the United States Customs Service unless such transfers have been specifically authorized by the Congress.

Border control activities.

SEC. 508. None of the funds available under this Act shall be available for administrative expenses for the purpose of transferring the border control activities of the United States Customs Service to any other agency of the Federal Government.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Motor vehicle purchase.
31 USC 638c.

SEC. 601. Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with

31 USC 638a.

section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $3,400 except station wagons for which the maximum shall be $3,800: *Provided*, That these limits may be exceeded by not to exceed $1,700 for police-type vehicles, and by not to exceed $3,600 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section shall not apply to electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

Citizenship requirement for employees.
31 USC 699b.

SEC. 602. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian and Laotian refugees paroled into the United States between January 1, 1975, and the date of enactment of this Act: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Penalty.

Quarters allowances.

SEC. 603. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 604. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Administrative expense funds.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841) shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Foreign credits.
31 USC 724.

SEC. 606. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Publicity or propaganda.

SEC. 607. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

U.S. Postal Service employees, communication with Congress.

(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

Interdepartmental groups, expenses.

SEC. 608. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriations Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

Space and service charges and building improvements.

SEC. 609. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

40 USC 601 note.

U.S. or Postal Service guards.

SEC. 610. Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

Rental of space and services.

SEC. 611. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted.

40 USC 490.

SEC. 612. None of the funds available under this or any other Act shall be available for administrative expenses in connection with the designation for construction, arranging for financing, or execution of contracts or agreements for financing or construction of any additional purchase contract projects pursuant to section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313) during the period beginning October 1, 1976, and ending September 30, 1980.

40 USC 602a.

5 USC 5343 note.

SEC. 613. (a) No part of any of the funds appropriated for the fiscal year ending September 30, 1980, by this Act or any other Act, may be used to pay the salary or pay of any individual in any office or position in an amount which exceeds the rate of salary or basic pay payable for such office or position on September 30, 1979, by more than the overall average percentage increase in the General Schedule rates of basic pay, as a result of any adjustments which take effect during such fiscal year under section 5343 of title 5, United States Code, if such adjustment is granted pursuant to a wage survey (but only with respect to prevailing rate employees described in section 5342(a)(A) of that title).

(b) The limitations on the availability of funds imposed by this section shall not restrict the payment of any rate of basic pay which does not exceed $4.22 per hour, if such rate of basic pay would be payable were it not for this section.

(c) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

SEC. 614. None of the funds available under this Act may be used to carry out any revenue ruling of the Internal Revenue Service which rules that a taxpayer is not entitled to a charitable deduction for general purpose contributions which are used for educational purposes by a religious organization which is an exempt organization as described in section 170(c)(2) of the Internal Revenue Code of 1954.

26 USC 170.

SEC. 615. None of the funds available under this Act may be used to carry out proposed revenue procedure 4830-01-M of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (44 F.R. 9451 through 9455, February 13, 1979, F.R. Document 79-4801), and proposed revenue procedure 4830-01 of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (43 F.R. 37296 through 37298, August 22, 1978, F.R. Document 78-23515), or parts thereof.

SEC. 616. It is the sense of the Congress that, upon the sale of the estate known as Casa Pacifica located in San Clemente, California, former President Richard M. Nixon should reimburse the United States for the original cost of any construction, renovation, improvements, equipment or articles paid for by the Federal Government of the United States, or for the amount by which they have increased the fair market value of the property, as determined by the Comptroller General of the United States, as of the date of sale, whichever is less.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1980". Short title.

Approved September 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-248 (Comm. on Appropriations) and No. 96-471 (Comm. of Conference).
SENATE REPORT No. 96-299 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 13, 16, considered and passed House.
Sept. 5, 6, considered and passed Senate, amended.
Sept. 26, House and Senate agreed to conference report; House receded and concurred in certain Senate amendments and in others with amendments; Senate concurred in House amendments.

Public Law 96-75
96th Congress

An Act

Sept. 29, 1979
[H.R. 5380]

To continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1979, for a certain period.

Department of Justice Appropriation Authorization Act, Fiscal Year 1979, continuation.
92 Stat. 3459.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority, and any limitation on authority, contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1979, shall continue in effect with respect to activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) until the effective date of a general authorization Act or the end of the sixtieth day after the date of the enactment of this Act, whichever is earlier.

Approved September 29, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 26, considered and passed House.
Sept. 27, considered and passed Senate.

Public Law 96-76
96th Congress

An Act

To amend title VIII of the Public Health Service Act to extend through fiscal year 1980 the program of assistance for nurse training, and for other purposes.

Sept. 29, 1979
[S. 230]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public Health Service Act, amendment. Nurse Training Amendments of 1979.

TITLE I—NURSE TRAINING

42 USC 201 note.

SEC. 101. (a) This title may be cited as the "Nurse Training Amendments of 1979".

42 USC 201 note.

(b) Whenever in this Act (other than sections 204, 208, and 313) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 102. Section 801 (relating to authorizations for construction grants) (42 U.S.C. 296) is amended by striking out "and" after "1977," and by inserting after "for fiscal year 1978" the following: ", and $2,000,000 for the fiscal year ending September 30, 1980".

SEC. 103. (a) Subsections (a) and (b) of section 805 (relating to loan guarantees and interest subsidies) (42 U.S.C. 296d) are each amended by striking out "1978" and inserting in lieu thereof "1980".

(b) Subsection (e) of such section is amended by inserting after "in fiscal year 1978" the following: "and in each of the next two fiscal years".

SEC. 104. Subsection (f)(1) of section 810 (relating to capitation grants) (42 U.S.C. 296e) is amended by striking out "and" after "1977," and by inserting after "fiscal year 1978" the following: "and $24,000,000 for the fiscal year ending September 30, 1980".

SEC. 105. The first sentence of subsection (d) of section 820 (relating to special project grants and contracts) (42 U.S.C. 296k) is amended by striking out "and" after "1977," and by inserting before the period the following: ", and $17,000,000 for the fiscal year ending September 30, 1980".

42 USC 296*l*.

SEC. 106. Subsection (b) of section 821 (relating to advanced nurse training programs) (42 U.S.C. 296l) is amended by striking out "and" after "1977," and by inserting after "for fiscal year 1978" the following: ", and $13,500,000 for the fiscal year ending September 30, 1980".

SEC. 107. Subsection (e) of section 822 (relating to nurse practitioner programs) (42 U.S.C. 296m) is amended by striking out "and" after "1977," and by inserting before the period the following: ", and $15,000,000 for the fiscal year ending September 30, 1980".

SEC. 108. Subsection (b) of section 830 (relating to traineeships) (42 U.S.C. 297) is amended by striking out "and" after "1977," and by inserting before the period ", and $15,000,000 for the fiscal year ending September 30, 1980".

SEC. 109. (a) Subsection (b)(4) of section 835 (relating to loan agreements) (42 U.S.C. 297a) is amended by striking out "1978" and inserting in lieu thereof "1980".

(b) Section 837 (relating to authorizations for student loan funds) (42 U.S.C. 297c) is amended (1) by striking out "and" after "1977," in the first sentence and (2) by inserting before the period in the first sentence ", and $13,500,000 for the fiscal year ending September 30, 1980", (3) by striking out "fiscal year 1979" and inserting in lieu thereof "the fiscal year ending September 30, 1981", and (4) by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1980".

(c)(1) Subsection (a) of section 839 (relating to distribution of assets) (42 U.S.C. 297e) is amended by striking out "September 30, 1980, and not later than December 31, 1981" and inserting in lieu thereof "September 30, 1983, and not later than December 31, 1983".

(2) Paragraph (1) of such subsection is amended by striking out "1980" and inserting in lieu thereof "1983".

(3) Subsection (b) of such section is amended by striking out "1980" each place it occurs and inserting in lieu thereof "1983".

Sec. 110. (a) Subsection (b) of section 845 (relating to scholarship grants) (42 U.S.C. 297j) is amended (1) by striking out "next two fiscal years" in the first sentence and inserting in lieu thereof "next four fiscal years", (2) by striking out "1979" and inserting in lieu thereof "1981", and (3) by striking out "1978" and inserting in lieu thereof "1980".

(b) Subsection (c)(1) of such section is amended (1) by striking out "next two fiscal years" in subparagraph (A) and inserting in lieu thereof "next four fiscal years", (2) by striking out "1978" in subparagraph (B) and inserting in lieu thereof "1980", and (3) by striking out "1979" in such subparagraph and inserting in lieu thereof "1981".

42 USC 297j note.

(c) The amendments made by subsections (a) and (b) do not authorize appropriations for the fiscal year ending September 30, 1979, for scholarships under section 845 of the Public Health Service Act in addition to the amount available for such scholarships under section 101(a) of Public Law 95-482.

42 USC 297j.
92 Stat. 1603.

Sec. 111. Subpart I of part B of title VIII (relating to traineeships) is amended by adding after section 830 (42 U.S.C. 297) the following new section:

"TRAINEESHIPS FOR TRAINING OF NURSE ANESTHETISTS

42 USC 297-1.

"Sec. 831. (a)(1) The Secretary may make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Commissioner of Education, of licensed, registered nurses to be nurse anesthetists.

"(2) Payments to institutions under this subsection may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. Such payments may be used only for traineeships and shall be limited to such amounts as the Secretary finds necessary to cover the costs of tuition and fees, and a stipend and allowances (including travel and subsistence expenses) for the trainees.

"(b) For the purpose of making grants under subsection (a), there are authorized to be appropriated $2,000,000 for the fiscal year ending September 30, 1980.".

Sec. 112. Section 836(b)(3) (relating to student loans) (42 U.S.C. 297b(b)(3)) is amended (1) by inserting after "(3)" the following: "in the case of a student who received such a loan before the date of enactment of the Nurse Training Amendments of 1979,", and (2) by striking out "any such loan" and inserting in lieu thereof "any such loan made before such date".

Study.
42 USC 296 note.

SEC. 113. (a)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall arrange, in accordance with subsection (b), for the conduct of a study—

(A) to determine the need to continue a specific program of Federal financial support for nursing education,

(B) to determine the reasons nurses do not practice in medically underserved areas and to develop recommendations for actions which could be taken to encourage nurses to practice in such areas, and

(C) to determine the rate at which and the reasons for which nurses leave the nursing profession and to develop recommendations for actions which could be taken to encourage nurses to remain or re-enter the nursing profession, including actions involving practice settings conducive to the retention of nurses.

(2) The part of the study described in paragraph (1)(A), shall include consideration of the following:

(A) The need for nurses under the present health care delivery system and under such system as it may be modified by increased use of ambulatory care facilities or as it may be changed by the enactment of legislation for national health insurance. Determination of such need shall include determination of the need for nurses trained in each type of school of nursing (as defined in section 853(2) of the Public Health Service Act), for nurses with graduate training in the varying nurse practitioner clinical specialties, and for nurse administrators and nurse educators.

42 USC 298b.

(B) The cost of nursing education and a comparison of the cost of education at each type of school of nursing (as so defined) and comparison of the cost of each of the graduate programs of nursing.

(C) The availability of other sources of support for nursing education, including support under general programs of Federal financial support for postsecondary education, under State and other public programs, and from private sources.

(b)(1) The Secretary shall first request the National Academy of Sciences (hereinafter in this section referred to as the "Academy"), acting through the Institute of Medicine, to conduct the study, required by subsection (a), under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such study will be paid by the Secretary. If the Academy agrees to such request, the Secretary shall enter into such an agreement with the Academy.

(2) If the Academy declines the Secretary's request to conduct such study under such an arrangement, then the Secretary, after consulting with the Committee on Labor and Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, shall enter into a similar arrangement with another appropriate public or nonprofit private entity to conduct such study.

Reports.

(3) Any arrangement entered into under paragraph (1) or (2) of this subsection for the conduct of a study shall require that such study be completed and reports thereon be submitted within such period as the Secretary may require to meet the requirements of subsection (c).

(4) The Secretary shall undertake such preliminary activities as may be necessary to enable the Secretary to enter into an arrangement for the conduct of the study at the earliest possible date.

Report to congressional committees.

(c) Not later than six months after the date the arrangement for the conduct of the study is entered into under subsection (b), the Secretary and the entity conducting the study shall each report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives their respective preliminary recommendations respecting the matters described in subparagraphs (A), (B), and (C) of subsection (a)(1) and, if a need for continued Federal financial support for nursing is found, the form in which the support should be provided. Not later than two years after such date, the Secretary and the entity which conducted the study shall each report to such Committees recommendations respecting such matters (including the form of Federal financial support for nursing) and the basis for such recommendations.

Recommendations.

TITLE II—OTHER HEALTH PROGRAMS

Sec. 201. Section 729(a) (relating to limits on Federal loan insurance and insured loans) (42 U.S.C. 294b(a)) is amended—

(1) by inserting before the period in the first sentence a comma and the following: "except that in the case of loans to students in schools of medicine, osteopathy, and dentistry, the Secretary may increase the total of such loans which may be covered by Federal loan insurance to $15,000 if he determines that the costs of education at such schools requires such increase"; and

(2) by inserting before the period in the second sentence a comma and the following: "except that the Secretary may increase such amount for borrowers who are or were students in schools of medicine, osteopathy, and dentistry to $60,000 if he determines that the costs of education at such schools requires such increase".

Sec. 202. (a) Section 752(b)(5)(A) (relating to service requirements for National Health Service Corps scholarships) (42 U.S.C. 294u(b)(5)(A)) is amended by striking out "(not to exceed three years)" and inserting in lieu thereof "(not to exceed three years or such greater period as the Secretary, consistent with the needs of the Corps, may authorize)".

(b)(1) Such section 752(b)(5)(A) is further amended by adding after the first sentence the following: "With respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that the Secretary shall, at the request of such individual, defer such date until the end of the period of time (not to exceed one year or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training.".

(2) The last sentence of such section is amended by striking out "such".

42 USC 294u.

(3) Section 752(b)(5)(B) is amended by striking out "other than a school of medicine, osteopathy, or dentistry" and inserting in lieu thereof "other than a school referred to in subparagraph (A)".

42 USC 254k.

(c) Section 338(a) is amended by striking out "$70,000,000" and inserting in lieu thereof "$82,000,000".

Sec. 203. Section 781(c) (relating to requirements for participation of schools in area health education center programs) (42 U.S.C. 295g-1(c)) is amended by adding after and below paragraph (4) the following:

"The requirement of paragraph (3) shall not apply to a medical or osteopathic school participating in an area health education center program if another such school participating in the same program meets the requirement of that paragraph.".

42 USC 295g-1 note.

Sec. 204. Section 802(a) of the Health Professions Educational Assistance Act of 1976 (relating to transitional provisions on area health education centers) is amended—

(1) by striking out "for the next fiscal year" and inserting in lieu thereof "for the next three fiscal years";

(2) by striking out "no payment shall be made to an entity under such a contract" and inserting in lieu thereof "no payment under such a contract shall be made to an entity which had not first entered into such a contract before October 12, 1976, (1)"; and

(3) by inserting before the period at the end thereof the following: ", or (2) for any fiscal year beginning after September 30, 1979".

Sec. 205. (a) Paragraph (4) of section 788(b) (42 U.S.C. 295g-8(b)(4)) is repealed and paragraphs (5) and (6) of such section are redesignated as paragraphs (4) and (5), respectively.

(b) Subparagraph (B) of section 788(e)(2) is amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000".

42 USC 294r.

Sec. 206. (a) Section 748(b)(3)(B) (42 U.S.C. 294e(b)(3)(B)) is amended (1) by striking out "or" at the end of clause (iv), (2) by striking out the period at the end of clause (v) and inserting in lieu thereof ", or", and (3) by adding after clause (v) the following:

"(vi) maternal and child health.".

(b) Section 792(a) (42 U.S.C. 295h-1(a)) is amended (1) by striking out "or" at the end of paragraph (3), (2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", or", and (3) by adding after paragraph (4) the following new paragraph:

"(5) maternal and child health.".

Sec. 207. Section 771(d)(5) (42 U.S.C. 295f-1(d)(5)) is amended by striking out "may waive (in whole or in part) application to a school of dentistry of the requirement of any paragraph of this subsection if the Secretary" and inserting in lieu thereof "may—

"(A) in the case of a school of dentistry which increased its enrollment of full-time first-year students in accordance with paragraph (3), waive (in whole or in part and under such conditions as the Secretary may prescribe) application of the requirement of subsection (a)(1) that it maintain its increased enrollment of such students, and

"(B) in the case of any school of dentistry, waive (in whole or in part) application of the requirement of any paragraph of this subsection,

if the Secretary determines".

Sec. 208. Section 401 of the Health Programs Extension Act of 1973 (42 U.S.C. 300a-7) is amended by adding at the end thereof the following new subsection:

42 USC 201 note.
42 USC 2689 note.
42 USC 6001 note.

"(e) No entity which receives, after the date of enactment of this paragraph, any grant, contract, loan, loan guarantee, or interest subsidy under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Assistance and Bill of Rights Act may deny admission or otherwise discriminate against any applicant (including applicants for internships and residencies) for training or study because of the applicant's reluctance, or willingness, to counsel, suggest, recommend, assist, or in any way participate in the performance of abortions or sterilizations contrary to or consistent with the applicant's religious beliefs or moral convictions.".

SEC. 209. Section 1701(b) (42 U.S.C. 300u(b)) is amended by striking out "and" after "1978," and by inserting before the period a comma and the following: "$14,000,000 for the fiscal year ending September 30, 1980, $15,000,000 for the fiscal year ending September 30, 1981, and $16,000,000 for the fiscal year ending September 30, 1982".

TITLE III—PUBLIC HEALTH SERVICE ADMINISTRATION

Public Health Service Administrative Amendments of 1979.
42 USC 201 note.

SEC. 301. This title may be cited as the "Public Health Service Administrative Amendments of 1979".

SEC. 302. (a) Section 203 (42 U.S.C. 204) is amended by adding at the end thereof the following new sentence: "Warrant officers may be appointed to the Service for the purpose of providing support to the health and delivery systems maintained by the Service and any warrant officer appointed to the Service shall be considered for purposes of this Act and title 37, United States Code, to be a commissioned officer within the commissioned corps of the Service.".

(b) Section 205(b) (42 U.S.C. 206(b)) is amended by striking out "six" and inserting in lieu thereof "eight" and by inserting after "the Chief Dental Officer of the Service," the following: "the Chief Nurse Officer of the Service, the Chief Pharmacist Officer of the Service,".

SEC. 303. Section 205(c) (42 U.S.C. 206(c)) is amended to read as follows:

"(c)(1) The Surgeon General, with the approval of the Secretary, is authorized to create special temporary positions in the grade of Assistant Surgeons General when necessary for the proper staffing of the Service. The Surgeon General may assign officers of either the Regular Corps or the Reserve Corps to any such temporary position, and while so serving they shall each have the title of Assistant Surgeon General.

"(2) Except as provided in this paragraph, the number of special temporary positions created by the Surgeon General under paragraph (1) shall not on any day exceed 1 per centum of the highest number, during the ninety days preceding such day, of officers of the Regular Corps on active duty and officers of the Reserve Corps on active duty for more than thirty days. If on any day the number of such special temporary positions exceeds such 1 per centum limitation, for a period of not more than one year after such day, the number of such special temporary positions shall be reduced for purposes of complying with such 1 per centum limitation only by the resignation, retirement, death, or transfer to a position of a lower grade, of any officer holding any such temporary position.".

SEC. 304. (a) The third sentence of subsection (a) of section 206 (42 U.S.C. 207(a)) is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"(5) Officers of the assistant grade—first lieutenant;

"(6) Officers of the junior assistant grade—second lieutenant;

"(7) Chief warrant officers of (W-4) grade—chief warrant officer (W-4);

"(8) Chief warrant officers of (W-3) grade—chief warrant officer (W-3);

"(9) Chief warrant officers of (W-2) grade—chief warrant officer (W-2); and

"(10) Warrant officers of (W-1) grade—warrant officer (W-1).".

(b) Section 206(c) (42 U.S.C. 207(c)) is repealed.

(c) The first sentence of section 206(d) (42 U.S.C. 207(d)) is amended by striking out "junior assistant grade" and inserting in lieu thereof the following: "warrant officer (W-1) grade".

SEC. 305. Section 207(a)(1) (42 U.S.C. 209(a)(1)) is amended by inserting immediately after "original appointments to the Regular Corps may be made only in the" the following: "warrant officer (W-1), chief warrant officer (W-2), chief warrant officer (W-3), chief warrant officer (W-4),".

SEC. 306. Section 209(c) (42 U.S.C. 210b(c)) is amended by striking out "assistant grade" and by inserting in lieu thereof the following: "warrant officer (W-1) grade".

SEC. 307. (a) Section 210(d)(1) (42 U.S.C. 211(d)(1)) is amended by striking out "Officers in the junior assistant grade" and by inserting in lieu thereof the following: "Officers in the warrant officer (W-1) grade, chief warrant officer (W-2) grade, chief warrant officer (W-3) grade, chief warrant officer (W-4) grade, and junior assistant grade".

(b) Section 210(g) (42 U.S.C. 211(g)) is amended—

(1) in the first sentence by striking out "an officer of the Regular Corps in the junior assistant grade" and inserting in lieu thereof the following: "an officer of the Regular Corps in the warrant officer (W-1) grade or junior assistant grade";

(2) in the second sentence by striking out "an officer of the Regular Corps in the assistant, senior assistant," and inserting in lieu thereof the following: "an officer of the Regular Corps in the chief warrant officer (W-2), chief warrant officer (W-3), assistant, senior assistant,";

(3) in paragraph (1) by striking out "if in the assistant grade" and inserting in lieu thereof the following: "if in the chief warrant officer (W-2) or assistant grade"; and

(4) in paragraph (2) by striking out "if in the senior assistant grade" and inserting in lieu thereof the following: "if in the chief warrant officer (W-3) or senior assistant grade".

SEC. 308. Section 211(e) (42 U.S.C. 212(e)) is amended by striking out "a part of a year of active service of six months or more shall be counted as a whole year and a part of a year of active service which is less than six months shall be disregarded" and by inserting in lieu thereof the following: "a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded".

SEC. 309. (a) Section 214(c) (42 U.S.C. 215(c)) is amended by striking out the comma immediately after "nonprofit educational research" and by inserting immediately after "Service" the following: "to any appropriate committee of the Congress or".

(b) Section 214(d) (42 U.S.C. 215(d)) is amended by inserting after the first sentence the following new sentence: "In the case of detail of personnel under subsections (b) or (c) to be paid from applicable Service appropriations, the Secretary may condition such detail on an agreement by the State, subdivision, or institution concerned that such State, subdivision, or institution concerned shall reimburse the United States for the amount of such payments made by the Service.".

SEC. 310. (a) The first sentence of section 218(b) (42 U.S.C. 218a(b)) is amended to read as follows: "Any officer whose tuition, fees, and other necessary expenses are paid pursuant to subsection (a) while attending an educational institution or training program for a period in excess of thirty days shall be obligated to pay to the Service an amount equal to two times the total amount of such tuition, fees, and other necessary expenses received by such officer during such period, and two times the total amount of any compensation received by, and any allowance paid to, such officer during such period, if after return to active service such officer voluntarily leaves the Service within (1) six months, or (2) twice the period of such attendance, whichever is greater.".

(b) The third sentence of section 218(b) (42 U.S.C. 218a(b)) is amended by striking out "reimbursement" wherever it appears and by inserting in lieu thereof the following: "payment".

Sec. 311. Section 219(c) (42 U.S.C. 210-1(c)) is repealed.

Sec. 312. Section 221(a) (42 U.S.C. 213a(a)) is amended by adding at the end thereof the following new paragraphs:

"(12) Section 1552, Correction of military records: claims incident thereto.

"(13) Section 1553, Review of discharge or dismissal.

"(14) Section 1554, Review of retirement or separation without pay for physical disability.".

Sec. 313. (a) The table in section 201(a) of title 37, United States Code, is amended by striking out "Surgeon General." in the fourth column of such table and by inserting in such column to correspond with pay grade O-9 the following: "Surgeon General.".

(b)(1) Section 1006(a) of title 37, United States Code, is amended by inserting immediately after "member of an armed force" the following: "or of the Public Health Service".

(2) Section 1006(b) of such title is amended by inserting immediately after "member of an armed force" the following: "or of the Public Health Service".

(3) Section 1006(c) of such title is amended by inserting immediately after "member of an armed force" the following: "or of the Public Health Service".

(4) Section 1006(c) of such title is amended by inserting immediately after "members of the armed forces" the following: "or of the Public Health Service".

(5) Section 1006(d) of such title is amended by inserting immediately after "from his armed force" the following: "or from the Public Health Service".

(6) Section 1006(e) of such title is amended by inserting before the period the following: "and the Public Health Service".

(7) Section 1006(h) of such title is amended by inserting immediately after "members of an armed force" the following: "or of the Public Health Service".

(c) Section 415(d) of title 37, United States Code, is amended to read as follows:

"(d) An allowance of $250 for uniforms and equipment may be paid to each commissioned officer of the Public Health Service who is—

"(1) on active duty or on inactive duty training status; and

"(2) required by directive of the Surgeon General to wear a uniform.

An officer is not entitled to more than one allowance under this subsection.".

Effective date.
42 USC 206 note.

SEC. 314. The amendments made by sections 303, 304, 305, 306, 307, and 313 shall take effect on October 1, 1979.

Approved September 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-183 accompanying H.R. 3633 (Comm. on Interstate and Foreign Commerce) and No. 96-419 (Comm. of Conference).
SENATE REPORTS: No. 96-101 (Comm. on Labor and Human Resources) and No. 96-313 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 7, considered and passed Senate.
July 23, 27, H.R. 3633 considered and passed House; passage vacated and S. 230, amended, passed in lieu.
Sept. 7, Senate agreed to conference report.
Sept. 20, House agreed to conference report.

Public Law 96-77
96th Congress

Joint Resolution

Sept. 29, 1979
[H.J. Res. 406]

To extend by one hundred and twenty days the expiration date of the Defense Production Act of 1950.

Defense Production Act of 1950, extension.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1979" and inserting in lieu thereof "January 28, 1980".

Approved September 29, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 25, considered and passed House.
Sept. 27, considered and passed Senate.

Public Law 96-78
96th Congress

An Act

To provide for a temporary increase in the public debt limit, and to amend the Rules of the House of Representatives to make possible the establishment of the public debt limit in the future as a part of the congressional budget process.

Sept. 29, 1979
[H.R. 5369]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public debt limit, temporary increase; establishment as part of congressional budget process.
31 USC 757b note.

TITLE I—TEMPORARY INCREASE IN PUBLIC DEBT LIMIT; EXCEPTION TO INTEREST RATE CEILING ON BONDS

Sec. 101. (a) During the period beginning on the date of the enactment of this Act and ending on May 31, 1980, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $479,000,000,000.

Repeal.

(b) Effective on the date of the enactment of this Act, the first section of the Act of April 2, 1979, entitled "An Act to provide for a temporary increase in the public debt limit, and for other purposes" (Public Law 96-5), is hereby repealed.

Ante, p. 8.

Sec. 102. The last sentence of the second paragraph of the first section of the Second Liberty Bond Act (31 U.S.C. 752) is amended by striking out "$40,000,000,000" and inserting in lieu thereof "$50,000,000,000".

TITLE II—ESTABLISHMENT OF PUBLIC DEBT LIMIT AS PART OF CONGRESSIONAL BUDGET PROCESS

Sec. 201. (a) The Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"Rule XLIX

"ESTABLISHMENT OF STATUTORY LIMIT ON THE PUBLIC DEBT

31 USC 1322, 1325, 1331.

"1. Upon the adoption by the Congress (under section 301, 304, or 310 of the Congressional Budget Act of 1974) of any concurrent resolution on the budget setting forth as the appropriate level of the public debt for the period to which such concurrent resolution relates an amount which is different from the amount of the statutory limit on the public debt that would otherwise be in effect for such period, the enrolling clerk of the House of Representatives shall prepare an engrossment of a joint resolution, in the form prescribed in clause 2, increasing or decreasing the statutory limit on the public debt by an amount equal to the difference between such limit and such appropriate level. The vote by which the conference report on the concurrent resolution on the budget was agreed to in the House (or by which the concurrent resolution itself was adopted in the House, if there is no conference report) shall be deemed to have been a vote in favor of such joint resolution upon final passage in the House of Representatives. Upon the engrossment of such joint resolution it shall be deemed to have passed the House of Representatives and been duly certified and examined; the engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action; and (upon final passage by both Houses) the joint resolution shall be signed by the presiding officers of both Houses and presented to the President for his signature (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

"2. The matter after the resolving clause in any joint resolution described in clause 1 shall be as follows: 'During the period beginning   and ending   , the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased [or decreased] by $ (and any other provision of law providing for a temporary increase [or decrease] in such limit shall not apply).'; with the first two blanks being filled with the beginning and ending dates of the fiscal year or other period to which the concurrent resolution on the budget just agreed to relates, and with the third blank being filled with a dollar figure equal to the difference between the statutory limit on the public debt as set forth in section 21 of the Second Liberty Bond Act and the appropriate level of the public debt as set forth in such concurrent resolution.

31 USC 757b.

"3. The report of the Committee on the Budget of the House of Representatives accompanying any concurrent resolution on the budget under section 301(d) of the Congressional Budget Act of 1974, as well as the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget, shall contain a clear statement of the effect under this rule that the adoption by both the House and the Senate of such concurrent resolution in the form in which it is being reported (and the adoption of the joint resolution thereupon prepared and enrolled under clause 1) would have upon the statutory limit on the public debt. It shall not be in order in the House of Representatives at any time to consider or adopt any concurrent resolution on the budget (or agree to any conference report thereon) if at that time the report accompanying such concurrent resolution (or the joint statement accompanying such conference report) does not comply with the requirements of this clause.

31 USC 1322.

"4. Nothing in this rule shall be construed as limiting or otherwise affecting the power of the House of Representatives or the Senate to consider and pass a bill which (without regard to the procedures under clause 1) changes the statutory limit on the public debt most recently established under this rule or otherwise; and the rights of Members and committees of the House with respect to the introduction, consideration, and reporting of any such bill shall be determined as though this rule had not been adopted.

"Statutory limit on the public debt."
31 USC 774.
31 USC 757b.

"5. As used in this rule, the term 'statutory limit on the public debt' means the maximum face amount of obligations issued under authority of the Second Liberty Bond Act and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), determined under section 21 of such Act after the application of the second sentence thereof, which may be outstanding at any one time.".

(b)(1) Clause 1(v)(5) of rule X of the Rules of the House of Representatives is amended by inserting "(subject to the last sentence of clause 4(g) of this rule)" after "United States".

(2) Clause 4(g) of rule X of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentence: "The views and estimates submitted by the Committee on Ways and Means under the preceding sentence shall include a specific recom-

mendation, made after holding public hearings, as to the appropriate level of the public debt which should be set forth in the concurrent resolution on the budget referred to in such sentence and serve as the basis for an increase or decrease in the statutory limit on such debt under the procedures provided by rule XLIX.".

(c) Clause 8 of rule XXIII of the Rules of the House of Representatives is amended—

(1) by inserting "(except to the extent that the amendment involved is limited by the third sentence of this clause)" after "mathematically consistent"; and

(2) by adding at the end thereof the following new sentence: "It shall not be in order in the House or in a Committee of the Whole to consider an amendment to a concurrent resolution on the budget, or any amendment to an amendment thereto, which changes the amount of the appropriate level of the public debt set forth in the concurrent resolution as reported; except that the amendments to achieve mathematical consistency which are permitted under section 305(a)(6) of the Congressional Budget Act of 1974 may include an amendment, offered by or at the direction of the Committee on the Budget, to adjust the amount of such level to reflect any changes made in the other figures contained in the resolution.". 31 USC 1326.

SEC. 202. The first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by inserting before the period at the end thereof the following: ", subject to any increases or decreases in such limit which may from time to time be provided by law (through the congressional budget process as described in rule XLIX of the Rules of the House of Representatives or otherwise)".

SEC. 203. The amendments made by this title shall apply with respect to concurrent resolutions on the budget for fiscal years beginning on or after October 1, 1980. 31 USC 757b note.

Approved September 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-472, pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 26, considered and passed House.
Sept. 28, considered and passed Senate.

Public Law 96-79
96th Congress

An Act

Oct. 4, 1979
[S. 544]

To amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Health Planning and Resources Development Amendments of 1979.

SHORT TITLE; REFERENCES TO PUBLIC HEALTH SERVICE ACT; AND TABLE OF CONTENTS

42 USC 201 note.

SECTION 1. (a) This Act may be cited as the "Health Planning and Resources Development Amendments of 1979".

(b) Whenever in this Act (other than in subsections (j) and (k) of section 115 and in section 128) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

Post, pp. 607, 629.

42 USC 201 note.

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TITLE I—REVISION OF HEALTH PLANNING AUTHORITY

REVISION AND REPORTING ON NATIONAL GUIDELINES FOR HEALTH PLANNING

42 USC 300k-1.

SEC. 101. (a)(1)(A) Section 1501 is amended (i) by striking out "and shall, as he deems appropriate, by regulation revise such guidelines" in subsection (a), and (ii) by adding after subsection (c) the following:

"(d) The Secretary shall, on an annual basis, review the standards and goals included in the guidelines issued under subsection (a). In conducting such a review, the Secretary shall review the health systems plans and annual implementation plans of health systems agencies and State health plans. If the Secretary proposes to revise a guideline issued under subsection (a), he shall make such revision by regulations promulgated in accordance with section 553 of title 5, United States Code.

42 USC 300*l*-2.
42 USC 300m-3.

"(e)(1) The Secretary may collect data to determine whether the health care delivery systems meet or are changing to meet the goals included in health systems plans under section 1513(b)(2) and State health plans under section 1524 and to determine the personnel, facilities, and other resources needed to meet such goals. The Secretary shall prescribe (A) the manner in which such data shall be assembled and reported to the Secretary by health systems agencies, State health planning and development agencies, and other entities, and (B) the definitions which shall be used by such agencies and entities in assembling and reporting such data.

"(2) The Secretary shall from the data collected under paragraph (1) periodically make public a (A) statement of the relationship between the goals contained in the health systems plans and the State health plans and the status of the supply, distribution, and organization of health resources with respect to which such goals were established, and (B) summary of changes (either through additions or reductions) in resources needed to meet such goals.".

Budget authority.
42 USC 300k-1 note.

(B) The amendments made by subparagraph (A) do not authorize the enactment of new budget authority before October 1, 1979.

42 USC 300k-1.

(2) Subsection (b)(1) of section 1501 is amended by adding at the end thereof the following: "Such standards shall reflect the unique circumstances and needs of medically underserved populations in isolated rural communities.".

(3) Subsection (c) of section 1501 is amended by striking out "In issuing guidelines under subsection (a) the Secretary shall" and inserting in lieu thereof "At least 45 days before the initial publication of a regulation proposing a guideline under subsection (a) or a revision under subsection (d) of such a guideline, the Secretary shall, with respect to such proposed guideline or revision,".

42 USC 300*l*-2.

(b)(1) Section 1513(b)(1) is amended by adding after and below subparagraph (F) the following:

"The agency shall also assemble and report to the Secretary such data (including data on the personnel, facilities, and other resources needed to meet the goals set forth in the agency's health system plan) as the Secretary may require to carry out his responsibilities under section 1501(e). The Secretary may not require the assembling and reporting of data under this paragraph which is regularly collected by any entity of the Department of Health, Education, and Welfare under a provision of law other than this title.". *Ante, p. 593.*

42 USC 300m-1. (2) Section 1522(b)(10) is amended by inserting after "require the State agency to" the following: "(A) assemble and report to the Secretary data (other than data which is regularly collected by any entity of the Department of Health, Education, and Welfare under a provision of law other than this title) which the Secretary may require to carry out his responsibilities under section 1501(e), including data on the personnel, facilities, and other resources needed to meet the goals set forth in the State health plan, and (B)".

NATIONAL HEALTH PRIORITIES; NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

42 USC 300k-2. SEC. 102. (a)(1) Section 1502 is amended by adding at the end the following:

"(12) The identification and discontinuance of duplicative or unneeded services and facilities.

"(13) The adoption of policies which will (A) contain the rapidly rising costs of health care delivery, (B) insure more appropriate use of health care services, and (C) promote greater efficiency in the health care delivery system.

"(14) The elimination of inappropriate placement in institutions of persons with mental health problems and the improvement of the quality of care provided those with mental health problems for whom institutional care is appropriate.

"(15) Assurance of access to community mental health centers and other mental health care providers for needed mental health services to emphasize the provision of outpatient as a preferable alternative to inpatient mental health services.

"(16) The promotion of those health services which are provided in a manner cognizant of the emotional and psychological components of the prevention and treatment of illness and the maintenance of health.".

(2) Section 1502(9) is amended by inserting before the period the following: "and the development and use of cost saving technology".

42 USC 300k-3. (b) Section 1503(b)(1) is amended (1) by striking out "fifteen" and inserting in lieu thereof "twenty"; (2) by inserting "the Assistant Secretary for Rural Development of the Department of Agriculture," after "Defense,"; (3) by striking out "not less than five shall be persons who are not providers of health services" and inserting in lieu thereof "not less than eight members shall be persons who are not providers of health care and those members shall include individuals who represent urban and rural medically underserved populations"; and (4) by inserting "not less than one member shall represent hospitals," after "Federal Government,".

THE ROLE OF COMPETITION IN THE ALLOCATION OF HEALTH SERVICES

Supra. SEC. 103. (a) Section 1502(a) is amended by adding after paragraph (16) (added by section 102(a)) the following new paragraph:

"(17) The strengthening of competitive forces in the health services industry wherever competition and consumer choice can constructively serve, in accordance with subsection (b), to advance the purposes of quality assurance, cost effectiveness, and access.".

42 USC 300k-2.

(b) Section 1502 is amended (1) by inserting "(a)" after "1502.", and (2) by adding at the end the following:

"(b)(1) The Congress finds that the effect of competition on decisions of providers respecting the supply of health services and facilities is diminished. The primary source of the lessening of such effect is the prevailing methods of paying for health services by public and private health insurers, particularly for inpatient health services and other institutional health services. As a result, there is duplication and excess supply of certain health services and facilities, particularly in the case of inpatient health services.

"(2) For health services, such as inpatient health services and other institutional health services, for which competition does not or will not appropriately allocate supply consistent with health systems plans and State health plans, health systems agencies and State health planning and development agencies should in the exercise of their functions under this title take actions (where appropriate to advance the purposes of quality assurance, cost effectiveness, and access and the other purposes of this title) to allocate the supply of such services.

"(3) For the health services for which competition appropriately allocates supply consistent with health systems plans and State health plans, health systems agencies and State health planning and development agencies should in the performance of their functions under this title give priority (where appropriate to advance the purposes of quality assurance, cost effectiveness, and access) to actions which would strengthen the effect of competition on the supply of such services.".

42 USC 300*l*-2.

(c) Section 1513(a) is amended (1) by striking out "and" at the end of paragraph (3), (2) by inserting "and" at the end of paragraph (4), and (3) by adding after paragraph (4) the following:

"(5) preserving and improving, in accordance with section 1502(b), competition in the health service area,".

42 USC 300n-1.

(d) Section 1532(c) is amended by adding at the end the following:

"(11) In accordance with section 1502(b), the factors which affect the effect of competition on the supply of the health services being reviewed.

"(12) Improvements or innovations in the financing and delivery of health services which foster competition, in accordance with section 1502(b), and serve to promote quality assurance and cost effectiveness.".

DESIGNATION OF HEALTH SERVICE AREAS

42 USC 300*l*.

SEC. 104. (a)(1) Section 1511(b)(4) is amended to read as follows: "(4) The Secretary shall review on his own initiative or at the request of any Governor or designated health systems agency the appropriateness of the boundaries of the health service areas established under paragraph (3) and, if he determines that—

"(A) the boundaries for a health service area no longer meet the requirements of subsection (a), or

"(B) the boundaries for a proposed revised health service area meet the requirements of subsection (a) in a significantly more appropriate manner in terms of the efficiency and effectiveness of health planning efforts,

he shall revise the boundaries in accordance with the procedures prescribed by paragraph (3)(B)(ii). If the Secretary acts on his own initiative to revise the boundaries of any health service area, he shall consult with the Governor of the State or States which would be affected by the revision, the chief executive officer or agency of the political subdivisions within such State or States, and the designated health systems agency or agencies and the established Statewide Health Coordinating Council or Councils that would be affected by the revision. A Governor may request a revision of the boundaries of a health service area only after consultation with the Governor of any other State or States that would be affected by the revision, the chief executive officer or agency of the political subdivisions within such State or States, and the designated health systems agencies and the established Statewide Health Coordinating Council or Councils that would be affected by the revision and shall include in such request the comments concerning the proposed revision made by such individuals and entities. A designated health systems agency may request a revision of the boundaries of its health service area only after consultation with the Governor of the State or States that would be affected by the revision, the chief executive officer or agency of the political subdivisions within such State or States, the Statewide Health Coordinating Council of such State or States, and the health systems agencies that would be affected by the revision and shall include in such request the comments concerning the proposed revision made by such individuals and entities. No proposed revision of the boundaries of a health service area shall comprise an entire State without the prior consent of the Governor of such State. In addition, for each proposed revision of the boundaries of a health service area, the Secretary shall give notice and an opportunity for a hearing to all interested persons and make a written determination of his findings and decision.".

Boundary revisions, regulations.
42 USC 300*l* note.

(2) Not later than one year after the date of the enactment of this Act the Secretary shall by regulation prescribe criteria for the revision of health service area boundaries under section 1511(b)(4) of the Public Health Service Act (as amended by paragraph (1)).

Ante, p. 595.
Repeal.
42 USC 300*l*.

(b) Section 1511(c) is repealed.

42 USC 300n-5.

(c)(1) Section 1536(a) is amended by inserting "the Commonwealth of Puerto Rico," before "the Virgin Islands".

42 USC 300n.

(2) Section 1531(1) is amended by striking out "and the Commonwealth of Puerto Rico".

DESIGNATION OF HEALTH SYSTEMS AGENCIES

42 USC 300*l*-4.

SEC. 105. (a) Section 1515(b)(4) is amended by striking out the last sentence and inserting in lieu thereof: "In considering such applications, the Secretary shall give priority to any application which has been recommended by a Governor or a Statewide Health Coordinating Council for approval. When the Secretary enters into an agreement with an entity under paragraph (1), the Secretary shall notify the Governor of the State in which such entity is located of such agreement.".

(b) The last sentence of section 1515(c)(2) is amended to read as follows: "In considering such applications, the Secretary shall give priority to any application which has been recommended by a Governor or a Statewide Health Coordinating Council for approval.".

(c) Section 1515(c) is amended by adding after paragraph (3) the following:

"(4) Before renewing an agreement with a health systems agency under this subsection, the Secretary shall provide the State health planning and development agency of the State in which the health systems agency is located an opportunity to comment on the performance of such agency and to provide a recommendation on whether such agreement should be renewed and whether the agency should be returned to a conditional status as authorized by paragraph (3).

"(5) If the Secretary enters into an agreement under this subsection with an entity or renews such an agreement, the Secretary shall notify the Governor of the State in which such entity is located of the agreement, and any renewal of the agreement.".

42 USC 300*l*-4.

(d)(1)(A) Paragraphs (1) and (3) of section 1515(c) are each amended by striking out "twelve months" and inserting in lieu thereof "thirty-six months".

Effective date. 42 USC 300*l*-4 note.

(B) The amendments made by subparagraph (A) shall take effect with respect to designation agreements entered into under section 1515(c) of the Public Health Service Act after the date of the enactment of this Act.

(2) Section 1515(c)(1) is amended—

(A) by inserting "(A)" after "(c)(1)",

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(C) by amending clause (ii) (as so redesignated) to read as follows:

"(ii) by the Secretary if the Secretary determines, in accordance with subparagraph (B), that the entity is not complying with the provisions of such agreement.", and

(D) by adding at the end the following:

"(B) Before the Secretary may terminate, under subparagraph (A)(ii), an agreement with an entity for designation as the health systems agency for a health service area, the Secretary shall—

"(i) consult with the Governor and the Statewide Health Coordinating Council of each State in which is located the health service area respecting the proposed termination,

"(ii) give the entity notice of the intention to terminate the agreement and in the notice specify with particularity (I) the basis for the determination of the Secretary that the entity is not in compliance with the agreement, and (II) the actions that the entity should take to come into compliance with the agreement, and

"(iii) provide the entity with a reasonable opportunity for a hearing, before an officer or employee of the Department of Health, Education, and Welfare designated for such purpose, on the matter specified in the notice.

Termination procedures.

The Secretary may not terminate such an agreement before consulting with the National Council on Health Planning and Development respecting the proposed termination. Before the Secretary may permit the term of an agreement to expire without renewing the agreement, the Secretary shall make the consultations prescribed by clause (i) and the preceding sentence, give the entity with which the agreement was made notice of the intention not to renew the agreement and the reasons for not renewing the agreement, and provide, as prescribed by clause (iii), the entity an opportunity for a hearing on the matter specified in the notice.".

(e) Section 1515(c) (as amended by subsection (d)) is amended by adding after clause (ii) of paragraph (1)(A) the following: "A designation agreement under this subsection may be terminated by the Secretary before the expiration of its term if the health service area with respect to which the agreement was entered into is revised under section 1511(b)(4) and the Secretary determines, after consultation with the Governor and Statewide Health Coordinating Council of each State in which the health service area (as revised) is located, that the health systems agency designated under such agreement

Ante, p. 595.

cannot effectively carry out the agreement for the area (as revised). In terminating an agreement under the preceding sentence, the Secretary may provide that the termination not take effect before an agreement for the designation of a new agency takes effect and shall provide the agency designated under the agreement to be terminated an opportunity to terminate its affairs in a satisfactory manner.".

42 USC 300*l*-3.

(f) Section 1514 is amended (1) by striking out "may" and inserting in lieu thereof "shall", and (2) by striking out "(including entities" through "section 304)".

42 USC 300*l*-4.

(g) Section 1515(d) is amended (1) by inserting "agreement" after "If a designation", and (2) by inserting "or is not renewed" after "prescribed for its expiration".

(h) Section 1515(c)(3) is amended (1) by inserting "(A)" after "(3)"; (2) by inserting "during the period of the agreement to be renewed" after "section 1513"; and (3) by adding at the end thereof the following new subparagraph:

42 USC 300n-4.
42 USC 300*l*-2.
42 USC 300*l*-1.

"(B) If upon a review under section 1535 of the agency's operation and performance of its functions, the Secretary determines that it has not fulfilled, in a satisfactory manner, the functions of a health systems agency prescribed by section 1513 during the period of the agreement to be renewed or does not continue to meet the requirements of section 1512(b), he may terminate such agreement or return such agency to a conditionally designated status under subsection (b) for a period not to exceed twelve months. At the end of such period, the Secretary shall either terminate the agreement with such agency or enter into an agreement with such agency under paragraph (1). The Secretary may not terminate an agreement or return an agency to a conditionally designated status unless the Secretary has—

"(i) provided the agency with notice of his intent to return it to a conditional status or terminate the agreement with the agency and included in that notice specification of any functions which the Secretary has determined the agency did not satisfactorily fulfill and of any requirements which the Secretary has determined the agency has not met;

"(ii) provided the agency with a reasonable opportunity for a hearing, before an officer or employee of the Department of Health, Education, and Welfare designated for such purpose, on the action proposed to be taken by the Secretary; and

"(iii) in the case of a proposed termination of an agreement, consulted with the National Council on Health Planning and Development respecting the termination.".

PLANNING GRANTS

42 USC 300*l*-5.

SEC. 106. (a) Section 1516 is amended by redesignating subsection (c) as subsection (d) and by striking out subsection (b) and inserting in lieu thereof the following:

42 USC 300*l*-4.

"(b) The amount of any grant under subsection (a) to a health systems agency designated under section 1515(b) shall be determined by the Secretary.

"(c)(1) Except as provided in paragraph (2), the amount of a grant under subsection (a) to a health systems agency designated under section 1515(c) shall be the greater of the amount determined under subparagraph (A), (B), or (C) as follows:

"(A) The amount of a grant to a health systems agency shall be the lesser of—

"(i) the product of $0.60 and the population of the health service area for which the agency is designated, or

"(ii) $3,750,000.

"(B)(i) If the application of the health systems agency for such grant states that the agency, in its latest fiscal year ending before the period in which such grant will be available for obligation, collected non-Federal funds meeting the requirements of clause (ii) for the purposes for which such grant may be made, the amount of such grant shall be the sum of—

"(I) the amount determined under subparagraph (A) or (C), whichever is applicable, and

"(II) the lesser of the amount of such non-Federal funds or $200,000 or the product of $0.25 and the population of the health service area for which the agency is designated, whichever is greater.

"(ii) The non-Federal funds which an agency may use for the purpose of obtaining a grant under subsection (a) which is computed on the basis of the formula prescribed by clause (i) shall be funds which are not paid to the agency for the performance of particular services by it and which are otherwise contributed to the agency without conditions as to their use other than the condition that the funds shall be used for the purposes for which a grant made under this section may be used.

"(C) The amount of a grant to a health systems agency may not be less than—

"(i) in the case of a grant made in the fiscal year ending September 30, 1979, $175,000 and, to the extent appropriations are specifically made after October 1, 1979, to provide the additional amount authorized by this clause, an amount which bears the same ratio to $50,000 as the number of days beginning in the period beginning on October 1, 1979, and ending on the date of the period for which the grant was made bears to 365,

"(ii) $225,000 in the case of a grant made in the fiscal year ending September 30, 1980,

"(iii) $245,000 in the case of a grant made in the fiscal year ending September 30, 1981, and

"(iv) $260,000 in the case of a grant made in any succeeding fiscal year.

"(2) If the Secretary determines, after review of the budget of a health systems agency and after consultation with the State health planning and development agency of the State in which such agency is located, that the amount of a grant which is to be made to the agency in accordance with paragraph (1) is in excess of the amount needed by the agency to adequately perform its functions under its designation agreement, the amount of the grant to the agency shall be such amount as the Secretary determines the agency needs for the performance of such functions.".

(b) Subsection (d) (as so redesignated) is amended by striking out paragraph (2) and inserting in lieu thereof the following: *Ante*, p. 598.

"(2) Of the amount appropriated under paragraph (1) for any fiscal year, the Secretary may use not more than 5 per centum of such amount to increase the amount of grants in such fiscal year to health systems agencies under subsection (a) to assist the agencies in meeting extraordinary expenses (including extraordinary expenses resulting from an agency's health service area being located in more than one State or from an agency serving a large rural or urban medically underserved population or a geographically large health service area) which would not be covered under the amount of a grant that would be available to an agency under subsection (c) and in improving their performance as a result of the development and implementation of innovative health planning techniques.

"(3) Notwithstanding subsection (c)(1), if the total of the amounts appropriated under paragraph (1) for any fiscal year (reduced by the amount to be retained by the Secretary for use under paragraph (2)) is less than the amount required to make grants to each health system agency designated under section 1515(c) in the amount prescribed for such agency by subparagraph (A), (B), or (C) of subsection (c)(1), the Secretary shall make a pro rata reduction in the amount of the grant to each such agency, but, to the extent of available appropriations, no such agency shall receive a grant in an amount less than the amount prescribed by such subparagraph (C) for such fiscal year.". *Ante*, p. 597.

42 USC 300*l*-5. (c) The second sentence of section 1516(a) is amended by inserting "(including submission of the health systems agency's budget)" after "such conditions".

CARRYOVER OF GRANT FUNDS

42 USC 300*l*-2. SEC. 107. (a) Section 1513(c)(3) is amended by striking out the period at the end of the fourth sentence and inserting in lieu thereof the following: "unless another grant or contract is made or entered into, in which case the funds under the first grant or contract shall remain available for the period of the second grant or contract. Funds from a first grant or contract which remain available for obligation in the period of a second grant or contract shall not be considered in determining the amount of the second grant or contract.".

42 USC 300*l*-5. (b)(1) The second sentence of section 1516(a) is amended by striking out ", and shall be available for obligation" and all that follows in such sentence and inserting in lieu thereof a period.

(2) Such section is amended by inserting after the second sentence the following: "Funds under a grant which remain available for obligation at the end of the fiscal year in which the grant has been made shall remain available for obligation in the succeeding fiscal year, except that (1) no funds under any grant to an agency may be obligated in any period in which a designation agreement is not in effect for such agency, and (2) notwithstanding clause (1), a grant made to a conditionally designated entity with which the Secretary will not enter into a designation agreement under section 1515(c) shall be available for obligation for such additional period as the Secretary determines such entity will require to satisfactorily terminate its activities under the agreement for its conditional designation.".

42 USC 300m-4. (c) The second sentence of section 1525(a) is amended to read as follows: "Funds under a grant which remain available for obligation at the end of the fiscal year in which the grant has been made shall remain available for obligation in the succeeding fiscal year, but no funds under any grant to a State Agency may be obligated in any period in which a designation agreement is not in effect for such State Agency.".

42 USC 300m-5. (d) Section 1526(c) is amended (1) by striking out "(1) such a grant" and all that follows through "(2)", and (2) by inserting at the end the following: "Funds under a grant which remain available for obligation at the end of the fiscal year in which the grant has been made shall remain available for obligation in the succeeding fiscal year, but no funds under any grant to a State Agency may be obligated in any period in which a designation agreement is not in effect for such State Agency.".

MEMBERSHIP REQUIREMENTS

42 USC 300*l*-1.

SEC. 108. (a)(1) Clause (i) of section 1512(b)(3)(C) is amended (A) by inserting "(I)" after "shall be", and (B) by striking out all after "providers of health care" and inserting in lieu thereof ", and (II) broadly representative of the health service area and shall include individuals representing the principal social, economic, linguistic, handicapped, and racial populations and geographic areas of the health service area and major purchasers of health care (including labor organizations) in the area.".

(2) The first sentence of section 1512(b)(3)(C)(ii) is amended (A) by striking out "residents of" and inserting in lieu thereof "residents of, or have their principal place of business in,", (B) in subclause (I), by inserting "podiatrists, physician assistants," after "optometrists,", (C) by inserting "rehabilitation facilities," after "long-term care facilities," in subclause (II), (D) by striking out "substance abuse" in subclause (II) and inserting in lieu thereof "alcohol and drug abuse", (E) by striking out "and" at the end of subclause (IV), and (F) by inserting before the period a comma and the following: "and (VI) other providers of health care".

(3) The second sentence of section 1512(b)(3)(C)(ii) is amended (A) by striking out "one-third" and inserting in lieu thereof "one-half", and (B) by inserting before the period at the end the following: "and of such direct providers of health care, at least one shall be a person engaged in the administration of a hospital".

(b)(1) Section 1512(b)(3)(C)(iii)(I) is amended by striking out "and other representatives of governmental authorities" and inserting in lieu thereof "and other representatives of units of general purpose local government".

(2) Subclause (II) of such section is amended (A) by striking out "is equal" and inserting in lieu thereof "is at least equal", and (B) by striking out "and" at the end.

(3) Such section is amended by striking out subclause (III) and inserting in lieu thereof the following:

> "(III) include (through consumer and provider members) individuals who are knowledgeable about mental health services,
>
> "(IV) if the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include, as a nonvoting, ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated for such purpose, and
>
> "(V) if the agency serves an area in which there is located one or more health maintenance organizations, include at least one member who is representative of such organizations.".

(c) Section 1512(b)(3)(C) is amended by inserting after and below clause (iv) the following:

"For purposes of clause (iii)(I), to be considered a representative of a unit of general purpose local government, an individual must be appointed by such unit or a combination thereof, and the State government of a State which is comprised of a single health service area shall be deemed to be a unit of general purpose local government. A member of a governing body appointed pursuant to clause (iii)(IV) shall not be considered in determining the number of members of the governing body for purposes of the numerical limit prescribed by subparagraph (A).".

Ante, p. 601.

(d)(1) Section 1512(b)(3)(C)(i) is amended (A) by striking out "(nor within the twelve months preceding appointment been)", and (B) by inserting "(including labor organizations and business corporations)" after "major purchasers of health care".

"Provider of health care." 42 USC 300n.

(2) Section 1531(3) is amended to read as follows:

"(3) The term 'provider of health care' means an individual—

"(A) who is a direct provider of health care (including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

"(B) who holds a fiduciary position with, or has a fiduciary interest in, any entity described in clause (ii) or (iv) of subparagraph (C) other than an entity described in such clause which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in clause (iii) of subparagraph (C);

26 USC 501.

"(C) who receives (either directly or through the individual's spouse) more than one-fifth of his gross annual income from any one or combination of—

"(i) fees or other compensation for research into or instruction in the provision of health care,

"(ii) entities engaged in the provision of health care or in research or instruction in the provision of health care,

"(iii) producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care, or

"(iv) entities engaged in producing drugs or such other articles;

"(D) who is the member of the immediate family of an individual described in subparagraph (A), (B), or (C); or

"(E) who is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

An individual shall not be considered a provider of health care solely because the individual is the member of the governing board of an entity described in clause (ii) or (iv) of subparagraph (C).".

42 USC 300*l*-1.

(e) Section 1512(b)(3)(C)(iv) is amended (1) by striking out "of its members", and (2) by adding before the period at the end a comma and the following "except that appointments shall be made to such subcommittees and groups in such a manner that a majority of their members shall be consumers of health care".

GOVERNING BODY SELECTION

42 USC 300*l*-1.

SEC. 109. Section 1512(b)(3) is amended by adding after subparagraph (C) the following new subparagraph:

"(D) SELECTION.—Each health systems agency shall establish a process for the selection of the members of its governing body which process is designed to assure that (i) such members are selected in accordance with the requirements of subparagraph (C), (ii) there is the opportunity for broad participation in such process by the residents of the health service area of the agency, and (iii) the participation of such residents will be encouraged and facilitated. Such process shall prohibit the selection of more than one-half of the members of such body by members of such body. Each agency shall make public such process and report it to the Secretary. The requirements of this subparagraph shall apply with respect to the selection of members of a subarea advisory council if the council is authorized to select or selects one or more members of the governing body of a health systems agency.".

RESPONSIBILITIES OF GOVERNING BODIES

SEC. 110. (a) Section 1512(b)(3)(B)(i) is amended to read as follows: 42 USC 300*l*-1.

"(i) shall be responsible for—

"(I) the internal affairs of the health systems agency, including matters relating to the staff of the agency and the agency's budget, except that the governing body for health planning of an agency which is a public regional planning body or unit of general local government shall not be responsible for the establishment of personnel rules and practices for the staff of the agency or for the agency's budget unless authorized by the planning body or unit of government, and

"(II) procedures and criteria developed and published pursuant to section 1532 and applicable to its functions under subsections (e), (f), and (g) of section 1513;". 42 USC 300n-1. 42 USC 300*l*-2.

(b) Section 1512(b)(3)(A) is amended (1) by striking out "have a governing body for health planning, which is established in accordance with subparagraph (C)," and inserting in lieu thereof "appoint a governing body for health planning in accordance with subparagraph (C)", (2) by striking out "which has exclusive" and inserting in lieu thereof "which shall have exclusive", and (3) by striking out "not more than twenty-five members" and inserting in lieu thereof "not less than ten members and not more than thirty members". 42 USC 300*l*-1.

(c) Section 1512(b)(3)(B)(iv) is amended by striking out "(g), and (h)" and inserting in lieu thereof "and (g)".

(d)(1) Paragraph (4) of section 1512(b) is amended to read as follows:

"(4) LIABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) a health systems agency shall not, by reason of the performance of any duty, function, or activity, required of, or authorized to be undertaken by, the agency, be liable for the payment of damages under any law of the United States or any State (or political subdivision thereof) if the member of the governing body of the agency or employee of the agency who acted on behalf of the agency in the performance of such duty, function, or activity acted within the scope of his duty, function, or activity as such a member or employee, exercised due care, and acted without malice toward any person affected by it; and

"(ii) no individual member of the governing body of a health systems agency or employee of a health systems agency shall, by reason of his performance on behalf of the agency of any duty, function, or activity required of, or authorized to be undertaken by, the agency, be liable for the payment of damages under any law of the United States or any State (or political subdivision of a State) if he believed he was acting within the scope of his duty, function, or activity as such a member or employee, and, with respect to such performance, acted without gross negligence or malice toward any person affected by it.

"(B) Exception.—Subparagraph (A) does not apply with respect to civil actions for bodily injury to individuals or physical damages to property brought against a health systems agency or any member of the governing body of or employee of such an agency.".

42 USC 300m-3.

(2) Section 1524 is amended by adding at the end thereof the following new subsection:

"(d) No individual who as a member or employee of a SHCC shall, by reason of his performance of any duty, function, or activity required of, or authorized to be undertaken by, the SHCC, be liable for payment of damages under any law of the United States or any State (or political subdivision of a State) if he believed he was acting within the scope of his duty, function, or activity as such a member or employee, and acted, with respect to that performance, without gross negligence or malice toward any person affected by it.".

42 USC 300*l*-1.
Ante, p. 603.

(e)(1) The first sentence of section 1512(b)(3)(A) is amended by striking out "to perform for the agency" and inserting in lieu thereof "to perform".

(2)(A) Section 1512(b)(3)(B)(ii) is amended by inserting before the semicolon the following: "and in the case of a health systems agency which is a public regional planning body or unit of general local government, the planning body or unit of government shall be given, in accordance with sections 1513(b)(2) and 1513(b)(3), a reasonable opportunity to comment on the health systems plan and annual implementation plan proposed by the governing body and to propose additions to and other revisions in it".

42 USC 300*l*-2.
Infra.

Exemption.
42 USC 300*l*-1 note.
42 USC 300*l*-4.

(B) The amendment made by subparagraph (A) shall not apply with respect to a health systems agency for which a designation under section 1515 of the Public Health Service Act was in effect on January 1, 1979, and which is a unit of general local government.

42 USC 300*l*-1.
Ante, p. 603.

(3) Clauses (iii) and (iv) of section 1512(b)(3)(B) are each amended by striking out "approval" and inserting in lieu thereof "approval or disapproval".

42 USC 300*l*-2.

(4) Section 1513(b)(2) is amended by adding at the end the following: "If the health systems agency is a public regional planning body or unit of general local government, the planning body or unit of government shall be given a reasonable opportunity to comment on the proposed HSP and to propose additions to and other revisions in it. Any such proposed additions or other revisions not included in the HSP established by the agency shall be appended to the HSP. If the goals contained in the HSP are not consistent with guidelines issued by the Secretary under section 1501, it shall provide the State health planning and development agency and the Secretary with a detailed statement of the reasons for the inconsistency between such goals and guidelines. When making such HSP available to a Statewide Health Coordinating Council under section 1524(c)(2)(A), the agency shall also report such statement to such Council.".

42 USC 300*l*-2.

(f) Section 1513(a) is amended by adding after the first sentence the following: "None of the funds authorized to be appropriated under this title may be used by a health systems agency directly to pay any individual to influence the issuance, amendment, or revocation of any Executive order or regulation by any Federal, State, or local chief executive officer or agency or to influence the passage, amendment or defeat of any legislation by the Congress or by any State or local legislative body. The preceding sentence does not apply with respect to compensation paid by a health systems agency to an employee of the agency unless the primary responsibility of the employee for the agency is to influence such governmental action.".

MEETINGS AND RECORDS

SEC. 111. (a) Section 1512(b)(3)(B)(viii) is amended (1) by striking out "conduct its business meetings in public" and inserting in lieu thereof "hold in public meetings to conduct the business of the agency (other than any part of a meeting in which it is likely, as determined by the governing body, that information respecting the performance or remuneration of an employee of the agency will be disclosed and such a disclosure would constitute a clearly unwarranted invasion of the personal privacy of the employee or that information relating to the agency's participation in a judicial proceeding will be disclosed)", and (2) by striking out "its records and data" and inserting in lieu thereof "records and data of the agency (other than records or data respecting the performance or remuneration of an employee the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of the employee and records or data of the agency relating to its participation in a judicial proceeding)". 42 USC 300*l*-1.

(b)(1) Section 1512(b)(6)(A) is amended by inserting after "such information" the following: "(other than information respecting the performance or remuneration of an employee of the agency the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of the employee or information relating the agency's participation in a judicial proceeding)".

(2) Section 1512(b)(6) is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and by adding before subparagraph (B) (as so redesignated) the following:

"(A) provide that any executive committee of the agency and any entity appointed by the governing body or executive committee of the agency shall (i) hold in public meetings to conduct the business of the committee or entity (other than any part of a meeting in which it is likely, as determined by the executive committee or entity, that information respecting the performance or remuneration of an employee of the agency will be disclosed and such disclosure would constitute a clearly unwarranted invasion of the personal privacy of the employee or that information relating the agency's participation in a judicial proceeding will be disclosed), and (ii) give adequate notice of its meetings to those persons who have requested such notice;".

(c) Section 1522(b)(6) is amended (1) by striking out "conduct its business meetings in public" and inserting in lieu thereof "hold in public meetings to conduct the business of the State Agency (other than any part of a meeting in which it is likely, as determined by the State Agency, that information respecting the performance or remuneration of an employee of the agency will be disclosed and such a disclosure would constitute a clearly unwarranted invasion of the personal privacy of the employee or that information relating to the agency's participation in a judicial proceeding will be disclosed)", and (2) by striking out "its records and data" and inserting in lieu thereof "records and data of the agency (other than records or data respecting the performance or remuneration of an employee the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of the employee and records or data of the agency relating to its participation in a judicial proceeding)". 42 USC 300m-1.

SUPPORT AND REIMBURSEMENT FOR MEMBERS OF GOVERNING BODIES

42 USC 300*l*-1.

SEC. 112. (a) Section 1512(b)(3) is amended by adding after subparagraph (D) (added by section 109 of this Act) the following new subparagraph:

"(E) SUPPORT.—Each health systems agency shall have an identifiable program of providing assistance to the members of its governing body, executive committee (if any), and any entity appointed by the governing body or executive committee in making decisions for the agency, and shall include in such program means to determine the support needs of the members and to provide for meeting those needs (including the provision of training and continuing education).".

(b) Section 1512(b)(3)(B)(vi) is amended (1) by striking out "reimburse" and inserting in lieu thereof "reimburse (or when appropriate make advances to)", and (2) by inserting "and performing any other duties and functions of the health systems agency" after "governing body".

(c) Section 1512(b)(2)(A) is amended by adding at the end the following: "At least one member of the staff shall be designated to have the responsibility of providing the members of the governing body of an agency (particularly the consumer members) with such information and technical assistance as they may require to effectively perform their functions.".

CONFLICTS OF INTEREST

Supra.

SEC. 113. (a) Section 1512(b)(3) is amended by adding after subparagraph (E) (added by section 112 of this Act) the following new subparagraph:

"(F) CONFLICTS OF INTEREST.—No member of a governing body, executive committee, or any entity appointed by a governing body, or executive committee may, in the exercise of any function of the agency described in subsection (e), (f), or (g) of section 1513, vote on any matter before the governing body, executive committee, or any such entity respecting any individual or entity with which such member has (or, within the twelve months preceding the vote, had) any substantial ownership, employment, medical staff, fiduciary, contractual, creditor, or consultative relationship. A governing body, executive committee, and any entity appointed by a governing body or executive committee shall require each of its members who has or has had such a relationship with an individual or entity involved in any matter before the governing body, committee, or entity to make a written disclosure of such relationship before any action is taken by the body, committee, or entity with respect to such matter in the exercise of any function of the agency described in section 1513 and to make such relationship public in any meeting in which such action is to be taken.".

Ante, p. 603.

(b) Section 1524 is amended by adding after subsection (d) (added by section 110(d)(2) of this Act) the following new subsection:

"(e) No member of any SHCC may, in the exercise of any function of the SHCC described in subsection (c)(6), vote on any matter before the SHCC respecting any individual or entity with which such member has (or, within the twelve months preceding the vote, had) any substantial ownership, employment, medical staff, fiduciary, contractual, creditor, or consultative relationship. Each SHCC shall require each of its members who has or has had such a relationship with an individual or entity involved in any matter before the SHCC to make a written disclosure of such relationship before any action is taken by the SHCC with respect to such matter in the exercise of any function under subsection (c) and to make such relationship public in any meeting in which such action is to be taken.".

STAFF EXPERTISE

42 USC 300*l*-1. *Ante*, p. 606.

SEC. 114. Section 1512(b)(2)(A) is amended (1) by striking out "health resources" in the first sentence and inserting in lieu thereof "health (including mental health) resources", (2) by striking out "and" after "health planning," in such sentence, (3) by inserting before the period in such sentence a comma and the following: "(v) financial and economic analysis, and (vi) prevention of disease and other public health matters", and (4) by striking out "health resources" in the second sentence and inserting in lieu thereof "health (including mental health) resources".

HEALTH PLAN REQUIREMENTS

SEC. 115. (a) Section 1524(c)(1) is amended by striking out "Review" and inserting in lieu thereof "Establish (in consultation with the health systems agencies in the State and the State Agency) a uniform format for HSP's and review". 42 USC 300m-3.

(b)(1) Section 1513(b)(2)(A) is amended by inserting "(primarily with regard to health care equipment and to health services provided by health care institutions, health care facilities, and other providers of health care and to other health resources)" after "healthful environment". 42 USC 300*l*-2.

(2) Section 1513(b)(2) is amended (A) by striking out "establish" in the first sentence and inserting in lieu thereof "establish (in accordance with the format established pursuant to section 1524(c)(1))", and (B) by inserting after the first sentence the following: "The HSP of the agency shall include goals for the delivery of mental health services in its health service area which goals shall be developed under a procedure under which persons (acting as an advisory group or subcommittee appointed by the agency or, if the agency requests and is authorized by the Secretary to use an existing group, acting as part of such a group) knowledgeable about such services (including services for alcohol and drug abuse) will be consulted with respect to such goals.". *Supra*.

(3) Section 1522(b)(7) is amended (A) by striking out "and" at the end of clause (A), and (B) by inserting before the period the following: ", and (C) provide for consultation and coordination (in accordance with regulations of the Secretary) between the State Agency, the Statewide Health Coordinating Council, the State mental health authority, and other agencies of the State government designated by the Governor". 42 USC 300m-1.

(c)(1)(A) Section 1523(a)(1) is amended (i) by striking out "under section 1524(c)(2)" and inserting in lieu thereof "except as provided under section 1524(c)(2)(E)", and (ii) by inserting "(A)" after "(1)" and by inserting before the period a comma and the following: "and (B) determine the statewide health needs of the State after providing reasonable opportunity for the submission of written recommendations respecting such needs by the State health authority, the State mental health authority, and other agencies of the State government, designated by the Governor for the purpose of making such recommendations, and after consulting with the Statewide Health Coordinating Council". 42 USC 300m-2. 42 USC 300m-3.

42 USC 300m-2. (B) Section 1523(a)(2) is amended (i) by striking out "statewide health needs" and inserting in lieu thereof "statewide health needs determined under paragraph (1)(B)", and (ii) by inserting after the first sentence the following: "In carrying out its functions under this paragraph, the State Agency shall refer the HSP's to the State health authority, the State mental health authority, and other agencies of the State government (designated by the Governor to make the review prescribed by this sentence) to review the goals and related resource requirements of the HSP's and to make written recommendations to the State Agency respecting such goals and requirements.".

(C) Subsection (a) of section 1523 is amended by adding after and below the last paragraph the following: "If in determining the statewide health needs under paragraph (1)(B) or in preparing or revising a preliminary State health plan under paragraph (2) the State Agency does not take an action proposed in a recommendation submitted under the applicable paragraph, the State Agency shall when publishing such needs or health plan make available to the public a written statement of its reasons for not taking such action.".

42 USC 300m-3. (D) Section 1524(c)(2) is amended (i) by inserting "as determined by the State Agency of the State" after "statewide health needs" each place it occurs, and (ii) by inserting at the end of subparagraph (B) the following: "If in preparing or revising the State health plan the SHCC does not take an action proposed in a recommendation submitted under section 1523(a)(1)(B), the SHCC shall when publishing such plan make available to the public a written statement of its reasons for not taking such action.". 42 USC 300m-2.

42 USC 300l-2. (2) Section 1513(b)(2) is amended (A) by striking out "and" after "resources of the area;", (B) by striking out "resources" and inserting in lieu thereof "resources (including entities described in section 1532(c)(7))", and (C) by inserting before the period at the end of the first sentence a semicolon and the following: "(D) which are responsive to statewide health needs as determined by the State health planning and development agency". 42 USC 300n-1.

(d)(1) The first sentence of section 1513(b)(2) (as amended by subsection (c)(2)) is further amended by inserting before the period at the end a semicolon and the following: "(E) which describe the institutional health services (as defined in section 1531(5)) needed to provide for the well-being of persons receiving care within the health service area, including, at a minimum, acute inpatient (including psychiatric inpatient, obstetrical inpatient, and neonatal inpatient), rehabilitation, and long-term care services; and (F) which describe other health services needed to provide for the well-being of persons receiving care within the health service area, including, at a minimum, preventive, ambulatory, and home health services and treatment for alcohol and drug abuse". 42 USC 300n.

(2) Section 1513(b)(2) is amended by adding after the sentence added by subsection (b)(2) the following: "The HSP shall describe the number and type of resources, including facilities, personnel, major medical equipment, and other resources required to meet the goals of the HSP and shall state the extent to which existing health care facilities are in need of modernization, conversion to other uses, or closure and the extent to which new health care facilities need to be constructed or acquired.".

42 USC 300m-3. (3) Section 1524(c)(2)(A) is amended by adding after the second sentence the following new sentences: "The plan shall also describe the institutional health services (as defined in section 1531(5)) needed to provide for the well-being of persons receiving care within the State, including, at a minimum, acute inpatient (including psychiat-

ric inpatient, obstetrical inpatient, and neonatal inpatient), rehabilitation, and long-term care services; and also describe other health services needed to provide for the well-being of persons receiving care within the State, including, at a minimum, preventive, ambulatory, and home health services and treatment for alcohol and drug abuse. The plan shall also describe the number and type of resources, including facilities, personnel, major medical equipment, and other resources required to meet the goals of the plan and shall state the extent to which existing health care facilities are in need of modernization, conversion to other uses, or closure and the extent to which new health care facilities need to be constructed or acquired.".

(e) Section 1513(b)(3) is amended (1) by inserting after "goals of the HSP" in the first sentence the following: "(as stated in the HSP of the agency or, if revised under section 1524(c)(2)(A) when included in the State health plan, as so revised)", and (2) by adding at the end the following "The AIP shall include a statement of the personnel, facilities, and other resources which the agency determines are required to meet the objectives described pursuant to the first sentence. The AIP shall be established, annually reviewed, and amended in accordance with the procedures set forth in the last two sentences of paragraph (2). If the health systems agency is a public regional planning body or unit of general local government, the planning body or unit of government shall be given a reasonable opportunity to comment on the proposed AIP and to propose additions to and other revisions in it. Any such proposed additions or other revisions not included in the AIP approved by the agency shall be appended to the AIP.". 42 USC 300*l*-2. 42 USC 300m-3.

(f) Section 1513(b)(2)(C) is amended by striking out "and is consistent with". 42 USC 300*l*-2.

(g) Section 1524(c)(2) is amended by adding at the end the following: 42 USC 300m-3.

"(C) The State health plan or any revised State health plan approved by the SHCC shall be the State health plan for the State for purposes of this title after it is approved by the Governor of the State. The State health plan for a State may be disapproved by the Governor of the State only if the Governor determines that the plan does not effectively meet the statewide health needs of the State as determined by the State Agency for the State. In disapproving a State health plan, a Governor shall make public a detailed statement of the basis for the determination that the plan does not meet such needs and shall specify the changes in the plan which the Governor determines are needed to meet such needs. Subparagraph (B) does not apply to the preparation of revisions of a State health plan disapproved by a Governor.

"(D) In carrying out its functions with respect to the goals and resource requirements for mental health services of the State health plan, the SHCC may establish a procedure under which persons (acting as or as part of an advisory group or subcommittee appointed by the SHCC) knowledgeable about mental health services (including services for alcohol and drug abuse) will have the opportunity to make recommendations to the SHCC respecting such services.

"(E) The State health authority, the State mental health authority, and other agencies of the State government, designated by the Governor, shall carry out those parts of the State health plan which relate to the government of the State.

"(F) If a State health plan as required by this subsection is not in effect for a State, the Secretary may not make any grant under

42 USC 300m-4.
42 USC 300m.

section 1525 to the State Agency designated for such State under section 1521(b)(3).".

42 USC 300*l*-2.

(h) Section 1513(c)(2) is amended (1) by striking out "may" and inserting in lieu thereof "shall", and (2) by inserting "in obtaining and filling out the necessary forms and may provide other technical assistance" after "technical assistance".

Ante, p. 604, 607–609.

(i)(1)(A) The first sentence of section 1513(b)(2) is amended by striking out "annually" and inserting in lieu thereof "at least triennially".

(B) The second sentence of section 1513(b)(2) is amended by striking out "Before establishing an HSP" and inserting in lieu thereof "Before establishing or amending an HSP and in its review of an HSP".

42 USC 300m-2.
Ante, p. 608.

(2) The first sentence of section 1523(a)(2) and the first sentence of section 1524(c)(2)(A) are each amended by striking out "and review and revise as necessary (but at least annually)" and inserting in lieu thereof ", review at least triennially, and revise as necessary".

42 USC 300m-3.
Ante, p. 607.

(3) Section 1524(c)(1) (as amended by subsection (a)) is amended by striking out "review annually and coordinate the HSP and AIP" and inserting in lieu thereof "review and coordinate at least triennially the HSP and review at least annually the AIP".

Ante, p. 608.

(4) The third sentence of section 1524(c)(2)(A) is amended by striking out "for each year".

42 USC 4573.

(j)(1) Section 303(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by adding after and below paragraph (16) the following: "Such plan shall be consistent with the State health plan in effect for such State under section 1524(c) of the Public Health Service Act.".

21 USC 1176.

(2) Section 409(e) of the Drug Abuse Office and Treatment Act of 1972 is amended by adding after and below paragraph (13) the following: "Such plan shall be consistent with the State health plan in effect for such State under section 1524(c) of the Public Health Service Act.".

42 USC 2689t.
Supra.

(k)(1) Section 237(a) of the Community Mental Health Centers Act is amended in the matter preceding paragraph (1) by inserting "shall be consistent with the State health plan in effect for such State under section 1524(c) of the Public Health Service Act and" before "shall be".

42 USC 246.
Supra.

(2) Paragraph (2)(D)(iv) of subsection (g) of section 314 of the Public Health Service Act is amended by striking out "a plan" and inserting in lieu thereof "a plan which is consistent with the State health plan in effect for the State under section 1524(c) and".

CRITERIA AND PROCEDURES FOR REVIEWS

42 USC 300n-1.
Post, p. 611, 613.

SEC. 116. (a)(1) The first sentence of section 1532(a) is amended (A) by striking out "; and in performing" and inserting in lieu thereof "; in performing", and (B) by inserting before the period a semicolon and the following: "and in performing its review functions a Statewide Health Coordinating Council shall (except to the extent approved by the Secretary) follow procedures and apply criteria developed and published by the Council in accordance with regulations of the Secretary".

(2) The second sentence of such section is amended by striking out "and States Agencies" and inserting in lieu thereof ", State Agencies, and Statewide Health Coordinating Councils".

Ante, p. 595.
Post, pp. 611, 613, 614.

(b)(1) Subsections (b) and (c) of section 1532 are each amended—

(A) by striking out "agency and State Agency" each place it occurs (other than in paragraph (11) of subsection (b)) and inserting in lieu thereof "agency, State Agency, and Statewide Health Coordinating Council", and

(B) by striking out "agency or State Agency" each place it occurs and inserting in lieu thereof "agency, State Agency, or Statewide Health Coordinating Council".

(2) Subsection (b)(4) of such section is amended by striking out "agency or a State Agency" and inserting in lieu thereof "agency, State Agency, or Statewide Health Coordinating Council".

(3) Section 1532(c)(1) is amended by striking out "HSP and AIP" and inserting in lieu thereof "HSP, AIP, and State health plan". 42 USC 300n-1.

(c) Section 1532(a) is amended by adding at the end the following: "Health systems agencies, the State Agency, and, if appropriate, the Statewide Health Coordinating Council within each State shall cooperate in the development of procedures and criteria under this subsection to the extent appropriate to the achievement of efficiency in their reviews and consistency in criteria for such reviews.".

(d)(1)(A) Section 1532(b)(1) is amended (i) by striking out "Written" and inserting in lieu thereof "Timely written", and (ii) by inserting before the period "and, if a person has asked the entity conducting the review to place the person's name on a mailing list maintained by the entity, such notification shall be sent to such person".

(B) Section 1532(b)(7) is amended by striking out "Notification" and inserting in lieu thereof "Timely notification".

(2) Section 1532(b)(2) is amended by adding at the end the following: "If, after a review has begun, a State Agency, health systems agency, or Statewide Health Coordinating Council requires, in accordance with paragraph (3), the person subject to the review to submit information respecting the subject of the review, such person shall be provided at least fifteen days to submit the information.".

(3) Section 1532(b) is amended by adding after paragraph (11) the following new paragraph:

"(12) The following procedural requirements with respect to proceedings under a certificate of need program:

"(A) Hearings under a certificate of need program shall be held before a State Agency or a health systems agency to which the State Agency has delegated the authority to hold such a hearing. In a hearing under the program, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing, any person directly affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matter, and a record of the hearing shall be maintained. The requirements of this subparagraph do not apply to hearings held by a health systems agency in the performance of a review under section 1513(f). 42 USC 300*l*-2.

"(B) Any decision of a State Agency to issue or to not issue a certificate of need or to withdraw a certificate of need shall be based solely (i) on the review of the State Agency conducted in accordance with procedures and criteria it has adopted in accordance with this section and regulations promulgated under this section, and (ii) on the record established in administrative proceedings held with respect to the application for such certificate or the Agency's proposal to withdraw the certificate, as the case may be. Any decision of a State Agency to approve or disapprove an application for an exemption under section 1527(b) shall be based solely on *Post*, p. 614.

the record established in the administrative proceedings held with respect to the application.

"(C)(i) The State Agency shall establish the period within which approval or disapproval by the State Agency of applications for certificates of need and for exemptions under section 1527(b) shall be made. If, after a review has begun by the State Agency, the State Agency or health systems agency requires, in accordance with section 1532(b)(3), an applicant to submit information respecting the subject of the review, the period prescribed pursuant to the preceding sentence shall, at the request of the applicant, be extended fifteen days.

Post, p. 614.

42 USC 300n-1.

"(ii) If the State Agency fails to approve or disapprove an application within the applicable period under clause (i), the applicant may, within a reasonable period of time following the expiration of such period, bring an action in an appropriate State court to require the State Agency to approve or disapprove the application.

"(D) The program shall provide that each decision of the State Agency to issue, not to issue, or to withdraw a certificate of need or to approve or disapprove an application for an exemption under section 1527(b) shall, upon request of any person directly affected by such decision, be administratively reviewed under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies or, if there is no such State law, by an entity (other than the State Agency) designated by the Governor.

"(E) Any person adversely affected by a final decision of a State Agency with respect to a certificate of need or an application for an exemption under section 1527(b) and a health systems agency if the decision respecting the certificate of need is inconsistent with a recommendation made by the agency to the State Agency with respect to the certificate of need may, within a reasonable period of time after such decision is made (and any administrative review of it completed), obtain judicial review of it in an appropriate State court. The decision of the State Agency shall be affirmed upon such judicial review unless it is found to be arbitrary or capricious or not made in compliance with applicable law.

"(F) There shall be no ex parte contacts—

"(i) in the case of an application for a certificate of need, between the applicant for the certificate of need, any person acting on behalf of the applicant, or any person opposed to the issuance of a certificate for the applicant and any person in the State Agency who exercises any responsibility respecting the application after the commencement of a hearing on the applicant's application and before a decision is made with respect for it; and

"(ii) in the case of a proposed withdrawal of a certificate of need, between the holder of the certificate of need, any person acting on behalf of the holder, or any person in favor of the withdrawal and any person in the State Agency who exercises responsibility respecting withdrawal of the certificate after commencement of a hearing on the Agency's proposal to withdraw the certificate of need and before a decision is made on withdrawal.

The requirements of this paragraph are in addition to the requirements of the other paragraphs of this subsection and may, as appropriate, apply to other review programs.".

(e) Section 1532(b) is amended by adding after paragraph (12) (added by subsection (d)) the following new paragraph: *Ante*, p. 611.

"(13)(A) In the case of reviews by health systems agencies under section 1513(f) and by State Agencies under paragraphs (4) and (5) of section 1523(a)— 42 USC 300*l*-2. 42 USC 300m-2.

"(i) provision for applications to be submitted in accordance with a timetable established by the reviewing agency,

"(ii) provision for such reviews to be undertaken in a timely fashion, and

"(iii) provision for all completed applications pertaining to similar types of services, facilities, or equipment affecting the same health service area to be considered in relation to each other (but no less often than twice a year).

"(B) In the case of reviews by health systems agencies under section 1513(g) and by State Agencies under paragraph (6) of section 1523(a), provision for reviews of similar types of institutional health services affecting the same health service area to be considered in relation to each other.".

(f) Section 1532(c)(6) is amended to read as follows: 42 USC 300n-1.

"(6) In the case of health services proposed to be provided—

"(A) the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services,

"(B) the effect of the means proposed for the delivery of such services on the clinical needs of health professional training programs in the area in which such services are to be provided,

"(C) if such services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes,

"(D) the availability of alternative uses of such resources for the provision of other health services, and

"(E) the extent to which such proposed services will be accessible to all the residents of the area to be served by such services.".

(g)(1) Section 1532(c)(9)(B) is amended by inserting "and on the costs and charges to the public of providing health services by other persons" after "construction project" the second time it occurs.

(2) Section 1532(c) (as amended by section 103(d)) is amended by adding at the end the following: *Ante*, p. 594.

"(13) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

"(14) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past.".

(h) Section 1532(a) is amended by adding after the sentence added by subsection (c) the following: "The Secretary shall review at least annually regulations promulgated under this section and provide opportunity for the submission of comments by health systems agencies, State Agencies, and Statewide Health Coordinating Councils on the need for the revision of such regulations. At least forty-five days before the initial publication of a regulation proposing a revision in a regulation of the Secretary under this section, the Secretary shall, with respect to such proposed revision, consult with and solicit *Ante*, p. 611.

the recommendations from health systems agencies, State Agencies, and Statewide Health Coordinating Councils.".

42 USC 300n-1. (i)(1) Section 1532(b)(3) is amended by adding at the end the following: "Each health systems agency, State Agency, and Statewide Health Coordinating Council shall develop procedures to assure that requests for information in connection with a review under this title are limited to only that information which is necessary for the agency, State Agency, or Statewide Health Coordinating Council to perform the review.".

(2) Section 1532(b)(10) is amended by striking out "pertinent" and inserting in lieu thereof "essential".

CERTIFICATE OF NEED PROGRAMS

SEC. 117. (a) Part C of title XV is amended by adding at the end the following:

"CERTIFICATE OF NEED PROGRAM

42 USC 300m-6. 42 USC 300m-2. "SEC. 1527. (a) The certificate of need program required by section 1523(a)(4)(B) shall, in accordance with this section, provide for the following:

"(1) Review and determination of need under such program for—

"(A) major medical equipment and institutional health services, and

"(B) capital expenditures,

shall be made before the time such equipment is acquired, such services are offered, substantial expenditures are undertaken in preparation for such offering, or capital expenditures are obligated.

"(2) The acquisition and offering of only such equipment and services as may be found by the State Agency to be needed; and the obligation of only those capital expenditures found to be needed by the State Agency. Except as otherwise authorized by this section, review under the program of an application for a certificate of need may not be made subject to any criterion and the issuance of a certificate of need may not be made subject to any condition unless the criterion or condition directly relates to—

42 USC 300n-1. "(A) criteria prescribed by section 1532(c),

"(B) criteria prescribed by regulations of the Secretary promulgated under section 1532(a) before the date of the enactment of the Health Planning and Resources Development Amendments of 1979, or

"(C) criteria prescribed by regulation by the State Agency in accordance with an authorization prescribed by State law.

The Secretary may not require a State to include in its program any criterion in addition to criteria described in subparagraphs (A) and (B).

"(3) An application for a certificate of need for an institutional health service, medical equipment, or a capital expenditure shall specify the time the applicant will require to make such service or equipment available or to obligate such expenditure and a timetable for making such service or equipment available or obligating such expenditure. After the issuance of a certificate of need, the State Agency shall periodically review the progress of the holder of the certificate in meeting the timetable specified in the approved application for the certificate. If on the basis of such a review the State Agency determines that the holder of a certificate is not meeting such timetable and is not making a good faith effort to meet it, the State Agency may, after considering any recommendation made by the health systems agency which received a report from the State Agency on such review, withdraw the certificate.

"(4) In issuing a certificate of need, the State shall specify in the certificate the maximum amount of capital expenditures which may be obligated under such certificate. The program shall, in accordance with regulations promulgated by the Secretary, prescribe the extent to which a project authorized by a certificate of need shall be subject to further review if the amount of capital expenditures obligated or expected to be obligated for the project exceed the maximum specified in the certificate of need.

"(5) The program shall provide that (A) the requirements of section 1532 shall apply to proceedings under the program, and (B) each decision to issue a certificate of need (i) may only be issued by the State Agency, and (ii) shall, except in emergency circumstances that pose a threat to public health, be consistent with the State health plan in effect for such State under section 1524(c).

42 USC 300n-1.

42 USC 300m-3.

"(b)(1) Under the program a State shall not require a certificate of need for the offering of an inpatient institutional health service or the acquisition of major medical equipment for the provision of an inpatient institutional health service or the obligation of a capital expenditure for the provision of an inpatient institutional health service by—

"(A) a health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least 50,000 individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination;

"(B) a health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least 50,000 individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination, or

"(C) a health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least 50,000 individuals and on the date the application is submitted under paragraph (2) at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization,

if, with respect to such offering, acquisition, or obligation, the State Agency has, upon application under paragraph (2), granted an exemption from such requirement to the organization, combination of organizations, or facility.

"(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under paragraph (1) from obtaining a certificate of need before offering an institutional health service, acquiring major medical equipment, or obligating capital expenditures unless—

"(A) it has submitted, at such time and in such form and manner as the State Agency shall prescribe, an application for such exemption,

"(B) the application contains such information respecting the organization, combination, or facility and the proposed offering, acquisition, or obligation as the State Agency may require to determine if the organization or combination meets the requirements of paragraph (1) or the facility meets or will meet such requirements, and

"(C) the State Agency approves such application.

In the case of a proposed health care facility (or portion thereof) which has not begun to provide institutional health services on the date an application is submitted under this paragraph with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of paragraph (1) when the facility first provides such services. The State Agency shall approve an application submitted under this paragraph if it determines that the applicable requirements of paragraph (1) are met.

"(3) Notwithstanding subsection (d), a health care facility (or any part thereof) or medical equipment with respect to which an exemption was granted under paragraph (1) may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired and a health care facility described in subparagraph (C) of paragraph (1) which was granted an exemption under paragraph (1) may not be used by any person other than the lessee described in such subparagraph unless—

"(A) the State Agency issues a certificate of need approving the sale, lease, acquisition, or use, or

"(B) the State Agency determines, upon application, that (i) the entity to which the facility or equipment is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of clause (i) of subparagraph (A) of paragraph (1) and (ii) with respect to such facility or equipment, the entity meets the requirements of clauses (ii) and (iii) of such subparagraph (A) or the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (1).

"(4) In the case of a health maintenance organization or an ambulatory care facility or health care facility which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, a State may under the program apply its certificate of need requirements only to the offering of inpatient institutional health services, the acquisition of major medical equipment, and the obligation of capital expenditures for the offering of inpatient institutional health services and then only to the extent that such offering, acquisition, or obligation is not exempt under paragraph (1).

State Agency approval.
42 USC 300n-1.

"(5) Notwithstanding section 1532(c), if a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization apply for a certificate of need, such application shall be approved by the State Agency if the State Agency finds (in accordance with criteria prescribed by the Secretary by regulation) that—

"(A) approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll, and

"(B) the health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

Except as provided in paragraph (1) and notwithstanding subsection (d), a health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the State Agency issues a certificate of need approving the sale, acquisition, or lease.".

"(c) Notwithstanding section 1532(c), an application for a certificate of need for a capital expenditure which is required—

"(1) to eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations,

"(2) to comply with State licensure standards, or

"(3) to comply with accreditation standards compliance with which is required to receive reimbursements under title XVIII of the Social Security Act or payments under a State plan for medical assistance approved under title XIX of such Act,

42 USC 1395.
42 USC 1396.

shall be approved unless the State Agency finds that the facility or service with respect to which such capital expenditure is proposed to be made is not needed or that the obligation of such capital expenditure is not consistent with the State health plan in effect under section 1524. An application for a certificate of need approved under this subsection shall be approved only to the extent that the capital expenditure is required to eliminate or prevent the hazards described in paragraph (1) or to comply with the standards described in paragraph (2) or (3).

42 USC 300m-3.

"(d)(1) Under the program a certificate of need shall, except as provided in subsection (b), be required for the obligation of a capital expenditure to acquire (either by purchase or under lease or comparable arrangement) an existing health care facility if—

"(A) the notice required by paragraph (2) is not filed in accordance with that paragraph with respect to such acquisition, or

"(B) the State Agency finds, within thirty days after the date it receives a notice in accordance with paragraph (2) with respect to such acquisition, that the services or bed capacity of the facility will be changed in being acquired.

"(2) Before any person enters into a contractual arrangement to acquire an existing health care facility which arrangement will require the obligation of a capital expenditure, such person shall notify the State Agency of the State in which such facility is located of such person's intent to acquire such facility and of the services to be offered in the facility and its bed capacity. Such notice shall be made in writing and shall be made at least thirty days before contractual arrangements are entered into to acquire the facility with respect to which the notice is given.

"(e)(1)(A) Except as provided in subsection (b) and subparagraph (B), under the program a certificate of need shall not be required for the acquisition of major medical equipment which will not be owned by or located in a health care facility unless—

"(i) the notice required by paragraph (2) is not filed in accordance with that paragraph with respect to such acquisition, or

"(ii) the State Agency finds, within thirty days after the date it receives a notice in accordance with paragraph (2) with respect to such acquisition, that the equipment will be used to provide services for inpatients of a hospital.

"(B) The certificate of need program of a State may include a requirement for a certificate of need for an acquisition of major medical equipment which requirement is in addition to the requirement for a certificate of need established by subparagraph (A), except that after September 30, 1982, the certificate of need program of a State may not be changed to include any such additional requirement.

"(2) Before any person enters into a contractual arrangement to acquire major medical equipment which will not be owned by or located in a health care facility, such person shall notify the State Agency of the State in which such equipment will be located of such person's intent to acquire such equipment and of the use that will be made of the equipment. Such notice shall be made in writing and shall be made at least thirty days before contractual arrangements are entered into to acquire the equipment with respect to which the notice is given.

Major medical equipment, donations and leases.

"(3) For purposes of this subsection, donations and leases of major medical equipment shall be considered acquisitions of such equipment, and an acqusition of medical equipment through a transfer of it for less than fair market value shall be considered an acquisition of major medical equipment if its fair market value is at least $150,000.

Osteopathic or allopathic facility.
42 USC 300n-1.

"(f) Notwithstanding section 1532(c), when an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The State Agency shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.

"(g) In approving or disapproving applications for certificates of need or in withdrawing certificates of need under such a program, a State Agency shall take into account recommendations made by health systems agencies within the State under section 1513(f).".

42 USC 300*l*-2.
42 USC 300m-2.

(b)(1) Section 1523(a)(4)(B) is amended (A) by striking out "new institutional health services proposed to be offered or developed within the State" and inserting in lieu thereof "the obligation of capital expenditures within the State and the offering within the State of new institutional health services and the acquisition of major medical equipment", and (B) by striking out "which is satisfactory to the Secretary" and inserting in lieu thereof "which is consistent with standards established by the Secretary by regulation".

(2) The second sentence of section 1523(a)(4) is amended to read as follows: "A certificate of need program shall provide for procedures and penalties to enforce the requirements of the program.". 42 USC 300m-2.

(3) Section 1531 is amended (i) by striking out "For purposes of this title" and inserting in lieu thereof "Except as otherwise provided, for purposes of this title", and (ii) by adding after paragraph (5) the following new paragraphs: 42 USC 300n.

"Capital expenditure." 42 USC 300m-2. *Ante*, p. 614.

"(6) For purposes of sections 1523 and 1527, the term 'capital expenditure' means an expenditure—

"(A) made by or on behalf of a health care facility (as such a facility is defined in regulations prescribed under paragraph (5)); and

"(B)(i) which (I) under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or (II) is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and

"(ii) which (I) exceeds the expenditure minimum, (II) substantially changes the bed capacity of the facility with respect to which the expenditure is made, or (III) substantially changes the services of such facility.

For purposes of subparagraph (B)(ii)(I), the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure described in subparagraph (B)(i) is made shall be included in determining if such expenditure exceeds the expenditure minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under section 1527 shall be considered capital expenditures for purposes of sections 1523 and 1527, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of such sections if a transfer of the equipment or facilities at fair market value would be subject to review under section 1527. For purposes of this paragraph, the term 'expenditure minimum' means $150,000 for the twelve-month period beginning with the month in which this paragraph is enacted and for each twelve-month period thereafter, $150,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index maintained or developed by the Department of Commerce and designated by the Secretary by regulation for purposes of making such adjustment.

"Major medical equipment."

"(7) For purposes of sections 1523 and 1527, the term 'major medical equipment' means medical equipment which is used for the provision of medical and other health services and which costs in excess of $150,000, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such Act. In determining whether medical equipment has a value in excess of $150,000, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

42 USC 1395.
42 USC 1395x.

"Health maintenance organization.

"(8) The term 'health maintenance organization' means a public or private organization, organized under the laws of any State, which—

42 USC 300e-9.

"(A) is a qualified health maintenance organization under section 1310(d); or

"(B)(i) provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, X-ray, emergency and preventive services, and out of area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in clause (i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (I) directly through physicians who are either employees or partners of such organization, or (II) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).".

42 USC 300m-1.

(4)(A) Section 1522(b)(13) is amended (i) by striking out "(3),", (ii) by inserting "in a timely manner" after "reviewed" in subparagraph (A), and (iii) by inserting after "agencies," in subparagraph (A) the following: "or, if there is no such State law,".

(B) Section 1522(b)(13)(B) is amended by inserting "under subparagraph (A)" after "the reviewing agency".

42 USC 300n-1.

(5) Section 1532(c)(8) is amended by striking out "for which assistance may be provided under title XIII".

42 USC 300m-6 note. *Ante*, p. 614.

(c) The Comptroller General shall conduct an evaluation of the exemption authority provided by section 1527(b) of the Public Health Service Act. In conducting the evaluation, the Comptroller General shall determine—

(1) the health maintenance organizations, combinations of health maintenance organizations, and health care facilities which have applied to receive an exemption under that section,

(2) the services, facilities, and equipment with respect to which applications have been submitted under that section,

(3) the impact of the exemption on existing contractual arrangements between health maintenance organizations and health care facilities and on plans of such organizations respecting such arrangements, and

(4) the impact of the exemption on health care delivery systems, including its impact on the cost, availability, accessibility, and quality of health care.

Report to congressional committees.

The Comptroller General shall report the results of the evaluation to the Committee on Labor and Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives not later than February 1, 1982.

Regulations. 42 USC 300m-6 note.

(d) Within one hundred and eighty days of the date of the enactment of this Act, the Secretary of Health, Education, and Welfare shall promulgate such regulations as may be necessary to enable the States to establish certificate of need programs which meet the requirements of section 1527 of the Public Health Service Act.

Ante, p. 614.

APPROPRIATENESS REVIEW

42 USC 300*l*-2.

SEC. 118. (a)(1) Section 1513(g)(1) is amended by striking out "all institutional health services offered in the health service area of the agency" and inserting in lieu thereof "at least those institutional and home health services which are offered in the health service area of the agency and with respect to which goals have been established in the State health plan".

(2) Section 1523(a)(6) is amended by striking out "all institutional health services being offered in the State" and inserting in lieu thereof "at least those institutional and home health services which are offered in the State and with respect to which goals have been established in the State health plan". 42 USC 300m-2.

(b)(1) Section 1513(g) is amended by adding at the end the following: 42 USC 300*l*-2.

"(3) In making the appropriateness review required by paragraph (1) of a health service, each health systems agency shall at least consider the need for the service, its accessibility and availability, financial viability, cost effectiveness, and the quality of service provided.".

(2) Section 1523(a)(6) is amended by adding at the end the following: "In making the appropriateness review required by this paragraph of a health service, the State Agency shall at least consider the need for the service, its accessibility and availability, financial viability, cost effectiveness, and the quality of service provided.". 42 USC 300m-2.

(c) Section 1513(g)(2) is amended by striking out "existing institutional". 42 USC 300*l*-2.

REVIEW AND APPROVAL OF PROPOSED USES OF FEDERAL FUNDS

SEC. 119. (a) Section 1524(c)(6) is amended— 42 USC 300m-3.

(1) by striking out "approve or disapprove" in the first sentence and inserting in lieu thereof "recommend approval or disapproval of (A)",

(2) by striking out "or the Comprehensive" in the first sentence and inserting in lieu thereof "section 409 of the Drug Abuse Office and Treatment Act of 1972, or the Comprehensive", 21 USC 1176.

(3) by inserting before the period at the end of the first sentence a comma and the following: "and (B) any application (and any revision of an application) submitted to the Secretary by a State for a grant or contract under any provision of law referred to in clause (A) for projects in more than one health service area of the State",

(4) by amending the third sentence to read as follows: "If a SHCC recommends disapproval of such a plan or application, the Secretary, after making a finding that such plan or application is not in conformity with the State health plan, may not make Federal funds available under such State plan or application.",

(5) by inserting after the third sentence the following new sentence: "If the Secretary makes such a finding, he shall notify the Governor of his finding and the reasons therefor and advise him that he has thirty days in which to submit a revised State plan or application that conforms with the State health plan.", and

(6) by striking out "If after such review" in the last sentence and inserting in lieu thereof the following: "If after reviewing a recommendation of a SHCC to disapprove such State plan or application,".

(b)(1) Section 1513(e)(1)(A)(i) is amended— 42 USC 300*l*-2.

(A) by inserting "of 1972" after "Treatment Act", and

(B) by inserting after "health resources" the following: "by any entity other than the government of a State unless such resources are solely within the health service area of such agency".

(2) Section 1513(e)(1)(A)(ii) is amended by striking out "an allotment" and inserting in lieu thereof "an allotment, contract, or grant".

42 USC 300*l*-2.

(3) The first sentence of section 1513(e)(1)(B) is amended by striking out "under title IV, VII, or VIII of this Act" and all that follows in such sentence and inserting in lieu thereof the following: "for research or training unless the grants or contracts are to be made, entered into, or used for the development, expansion, or support of health resources which, in the case of grants or contracts for training, would make a significant change in the health services available in the health service area or which, in the case of grants or contracts for research, would significantly change the delivery of health services, or the distribution or extent of health resources, available to persons in the health service area other than those who are participants in such research.".

(4) Section 1513(e)(2) is amended—

(A) by striking out "such paragraph" in the first sentence and inserting in lieu thereof "paragraph (1)(A)(i)", and

(B) by striking out "If" in the second sentence and inserting in lieu thereof "If under paragraph (1)(A)(i)".

(5) Section 1513(e) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

Proposed use of Federal funds, availability for State use, review.

"(3) The Governor of a State shall allow health systems agencies sixty days to make the review required by paragraph (1)(A)(ii). If under such paragraph an agency disapproves a proposed use of Federal funds in its health service area, the Governor may not make such Federal funds available for such use until he has made, upon request of the entity making such proposal, a review of the agency decision. In making any such review of any agency decision, the Governor shall give the State health planning and development agency an opportunity to consider the decision of the health systems agency and to submit to the Governor its comments on the decision. The Governor, after taking into consideration such State Agency's comments (if any), may make such Federal funds available for such use, notwithstanding the disapproval of the health systems agency. Each such decision by the Governor to make funds available shall be submitted to the appropriate health systems agency and State health planning and development agency and shall contain a detailed statement of the reasons for the decision.".

COORDINATION OF HEALTH PLANNING WITH RATE REVIEW

42 USC 300*l*-2.

SEC. 120. (a) Section 1513(d) is amended (1) by redesignating paragraph (4) as paragraph (5); (2) by striking out "and" in paragraph (3); and (3) by adding after paragraph (3) the following new paragraph:

"(4) any entity of the State in which the agency is located which reviews the rates or budgets of health care facilities located in the agency's health service area, and".

Ante, p. 607.

(b) Section 1522(b)(7)(A) is amended by inserting before the comma at the end the following: "and for the coordination by the State Agency in the conduct of its activities with any entity of the State which reviews the rates or budgets of health care facilities in the State".

42 USC 300m-5.

(c)(1) Section 1526 is amended—

(A) by striking out "(not later than six months after the date of the enactment of this title)" in the first sentence of subsection (a); and

(B) by striking out the last sentence of subsection (a).

(2) Such section is further amended—

(A) by inserting before the period in the first sentence of subsection (a) "or to any other entity of the government of a State which has so indicated an intent to regulate such rates";

(B) by striking out "A State Agency" in subsection (b)(1) and inserting in lieu thereof "An entity";

(C) by striking out "the State Agency" in subparagraphs (A) and (F) of such subsection and inserting in lieu thereof "the entity";

(D) by inserting "if it is a State Agency," after "(D)" and "(E)", respectively, in such subsection;

(E) by adding after and below subparagraph (G) of such subsection the following: "If an entity which is not a State Agency receives a grant under subsection (a), such entity shall coordinate its activities under the grant with the State Agency for the State in which such entity is located, share with the State Agency data obtained from such activities, and for purposes of such activities, develop with the State Agency criteria for the review of institutional health services, equipment, and facilities which guidelines are not in conflict with criteria adopted by the State Agency.";

(F) by striking out "a State Agency" in subsection (b)(2) and inserting in lieu thereof "an entity" and by striking out "the State Agency" in such subsection and inserting in lieu thereof "the entity"; and

(G) by striking out "State Agency" in subsection (d) and in the first sentence of subsection (c) and inserting in lieu thereof "entity".

COORDINATION WITHIN STANDARD METROPOLITAN STATISTICAL AREAS AND WITH OTHER ENTITIES

SEC. 121. (a) Section 1513(d) is amended by inserting "(including area agencies on aging and local and regional alcohol abuse, drug abuse, and mental health planning agencies)" after "administrative agencies" in paragraph (3). 42 USC 300*l*-2.

(b) Subsection (d) of section 1513 (as amended by section 120(a)) is amended (1) by inserting "(1)" after "(d)", (2) by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively, and (3) by adding at the end the following:

Coordination with other health systems agency.

"(2) Each health systems agency which has all or part of its health service area within a part of a standard metropolitan statistical area (as determined by the Office of Management and Budget) shall coordinate its activities with the activities of any other health systems agency which has any part of its health service area within such standard metropolitan statistical area. Such coordination shall at least provide that each health systems agency designated for a health service area within any part of a single standard metropolitan statistical area shall review (A) each HSP and AIP for each such health service area, (B) the criteria used in accordance with section 1532 for reviews affecting any such area, and (C) each decision under certificate of need programs which affect any such area. 42 USC 300n-1.

"(3) The Secretary shall by regulation provide for the sharing by health systems agencies of health planning data with Indian tribes and Alaska Native Villages.

"(4) Health systems agencies that have an Indian tribe or intertribal Indian organization (referred to in subsection (e)(1)(B)) located within such agencies' health service areas shall carry out their functions under this section in a manner that recognizes tribal self-determination. Such agencies shall seek to enter into agreements with the Indian tribes and intertribal organizations located within their health service areas on matters of mutual concern as defined in regulations of the Secretary.".

Ante, p. 622.
25 USC 450b.

(c) Section 1513(e) is amended by inserting "as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act)" after "Indian tribe" in paragraph (1)(B).

COLLECTION AND PUBLICATION OF HOSPITAL CHARGES

42 USC 300*l*-2.

SEC. 122. (a) Subsection (h) of section 1513 is amended to read as follows:

"(h)(1) Each health systems agency shall collect annually on a form developed in consultation with the State health planning and development agency (or agencies) the rates charged for each of the twenty-five most frequently used hospital services in the State (or States) including the average semiprivate and private room rates.

"(2) Each health systems agency shall make available to the public for inspection and copying (at a reasonable expense to the public) the information supplied to the health systems agency pursuant to this subsection in readily understandable language and in a manner designed to facilitate comparisons among the hospitals in the health systems agency's health service area.".

42 USC 300m-1.

(b) Section 1522(b)(5) is amended by adding before the semicolon the following: "and contain provisions to assure compliance with requests for information made by health systems agencies in accordance with section 1513(h)".

Supra.

STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

42 USC 300m.
42 USC 300n-4.

SEC. 123. (a) Section 1521(b)(4) is amended (1) by inserting "(A)" after "(4)"; (2) by inserting "upon a review under section 1535 of the State Agency's operation and performance of its function" before "he determines"; (3) by adding at the end of paragraph (4) the following: "Before renewing an agreement under this paragraph with a State Agency for a State, the Secretary shall provide each health systems agency designated for a health service area located (in whole or in part) in such State and the Statewide Health Coordinating Council of such State an opportunity to comment on the performance of the State Agency and to provide a recommendation on whether such agreement should be renewed."; and (4) adding at the end thereof the following new subparagraph:

State Agency's operation and performance.

"(B) If upon a review under section 1535 of the State Agency's operation and performance of its functions, the Secretary determines that it has not fulfilled, in a satisfactory manner, the responsibilities of a State Agency during the period of the agreement to be renewed or if the applicable State administrative program does not continue to meet the requirements of section 1522, he may terminate such agreement or return the State Agency to a conditionally designated status under paragraph (2) of subsection (b) for a period not to exceed twelve months. At the end of such period, the Secretary shall either terminate its agreement with such State Agency or enter into an agreement with such State Agency under paragraph (3) of subsection (b). The Secretary may not terminate an agreement or return a State Agency to a conditionally designated status unless the Secretary has—

42 USC 300m-1.

Termination agreement conditions.

"(i) provided the State Agency with notice of his intent to return it to a conditional status or terminate the agreement with it and included in that notice specification of any functions which the Secretary has determined the State Agency did not satisfactorily fulfill and of any requirements which the Secretary has determined it has not met;

"(ii) provided the State Agency with a reasonable opportunity for a hearing, before an officer or employee of the Department of Health, Education, and Welfare designated for such purpose, on the action proposed to be taken by the Secretary; and

"(iii) in the case of a proposed termination, consulted with the National Council on Health Planning and Development respecting the termination.".

(b)(1)(A) Paragraphs (3) and (4) of section 1521(b) are each amended by striking out "twelve months" and inserting in lieu thereof "thirty-six months". 42 USC 300m.

(B) The amendments made by subparagraph (A) shall apply with respect to designation agreements entered into under section 1521(b)(3) of the Public Health Service Act after the date of the enactment of this Act. 42 USC 300m note.

(2) Section 1521(b)(3) is amended—

(A) by inserting "(A)" after "(3)",

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(C) by amending clause (ii) (as so redesignated) to read as follows:

"(ii) by the Secretary if the Secretary determines, in accordance with subparagraph (B), that the designated State Agency is not complying with the provisions of such agreement.", and

(D) by adding at the end the following:

Termination agreement conditions.

"(B) Before the Secretary may terminate an agreement with a designated State Agency under subparagraph (A)(ii), the Secretary shall—

"(i) consult with the Statewide Health Coordinating Council of the State for which the State Agency is designated respecting the proposed termination,

"(ii) give the State Agency notice of the intention to terminate the agreement and in the notice specify with particularity (I) the basis for the determination of the Secretary that the State Agency is not in compliance with the agreement, and (II) the actions that the State Agency should take to come into compliance with the agreement, and

"(iii) provide the State Agency with a reasonable opportunity for a hearing, before an officer or employee of the Department of Health, Education, and Welfare designated for such purpose, on the matter specified in the notice.

Nonrenewal of agreement; notice, hearing.

The Secretary may not terminate such an agreement before consulting with the National Council on Health Planning and Development respecting the proposed termination. Before the Secretary may permit the term of an agreement to expire without renewing the agreement, the Secretary shall make the consultations prescribed by clause (i) and the preceding sentence, give the State Agency with which the agreement was made notice of the intention not to renew the agreement and the reasons for not renewing the agreement, and provide, as prescribed by clause (iii), the State Agency an opportunity for a hearing on the matter specified in the notice.".

(c)(1)(A) Section 1522(b)(13) is amended by striking out ", (g), or (h)" and inserting in lieu thereof "or (g)". 42 USC 300m-1.

(B) Section 1513(a) is amended by striking out "through (h)" and inserting in lieu thereof "through (g)". *Ante*, pp. 595, 604.

(2) Paragraph (3) of section 1523(a) is amended by striking out "review of the State medical facilities plan required under section 1603, and in the". 42 USC 300m-2.

42 USC 300m-2.

(3) Section 1523(a) is amended by adding after paragraph (6) the following new paragraph:

Health care facilities inventories; report.

"(7) Prepare an inventory of the health care facilities (other than Federal health care facilities) located in the State and evaluate on an ongoing basis the physical condition of such facilities. Such inventory and evaluations shall be reported to the health systems agencies designated for health service areas located (in whole or in part) in the State for purposes of the functions of the agency under section 1513(b).".

42 USC 300*l*-2.

42 USC 300m.

Ante, p. 625.

(d) Subsection (d) of section 1521 is amended to read as follows:

"(d)(1) If an agreement under subsection (b)(3) for the designation of a State Agency for a State is not in effect upon the expiration of—

"(A) the fourth fiscal year which begins after the calendar year in which the National Health Planning and Resources Development Act of 1974 is enacted; or

"(B)(i) if the legislature of the State is in a regular session on the date of the enactment of the Health Planning and Resources Development Amendments of 1979 and the legislature will be in session for at least twelve months from such date, twelve months from such date, or

"(ii) if the legislature of the State is in session on such date of enactment but twelve months do not remain in such session after such date or if the legislature of the State is not in session on such date, twelve months after the beginning of the first regular session of the legislature beginning after such date,

whichever occurs later, the Secretary shall take the action prescribed by paragraph (2).

"(2) If upon the expiration of the period applicable under paragraph (1) an agreement is not in effect for the designation of a State Agency for a State, the Secretary shall until such an agreement is in effect take the following action:

42 USC 2689 note.

42 USC 4541 note.

21 USC 1101 note.

"(A) During the first twelve months after the date of the expiration of the applicable period, the Secretary shall reduce by 25 percent the amount of each allotment, grant, loan, and loan guarantee made to and each contract entered into with an individual or entity in such State during such period under this Act, the Community Mental Health Centers Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and the Drug Abuse Office and Treatment Act of 1972.

"(B) During the second twelve months after such expiration date, the Secretary shall reduce by 50 percent the amount of each such allotment, grant, loan, loan guarantee, and contract.

"(C) During the third twelve months after such expiration date, the Secretary shall reduce by 75 percent the amount of each such allotment, grant, loan, loan guarantee, and contract.

"(D) After the expiration of thirty-six months after such expiration date, the Secretary may not make or enter into any such allotment, grant, loan, loan guarantee, or contract.".

42 USC 300m-1.

(e)(1) Section 1522(c) is amended by striking out "once each year" and inserting in lieu thereof "once every three years".

Supra.

(2) Section 1523(a) (as amended by subsection (c)(3)) is amended by adding the following new paragraph at the end thereof:

"(8) Provide technical assistance to individuals and public and private entities in obtaining and filling out the necessary forms for the development of projects and programs.".

42 USC 300m.

(f) The first sentence of section 1521(b)(2)(B) is amended by inserting before the period a comma and the following: "except that the Secretary may extend the period for such additional time as he finds appropriate if he finds that the designated State Agency is making a good faith effort to comply with the requirements of section 1523". 42 USC 300m-2.

(g)(1) Paragraph (5) of section 1523(a) is amended by striking out "1413(f)" and inserting in lieu thereof "1513(f)".

(2) Section 1521(b)(1) is amended by striking out "this part" and inserting in lieu thereof "this title". 42 USC 300m.

STATEWIDE HEALTH COORDINATING COUNCIL COMPOSITION

SEC. 124. (a)(1) Section 1524(b)(1)(A)(ii) is amended by inserting before the period a comma and the following: "except that the number of representatives on the SHCC to which a health systems agency designated for a health service area which is not entirely within the State shall be a number which is based on the relationship of the population of the portion of such health service area within the State to the population of the largest health service area located entirely within the State, except that each such agency shall be entitled to at least one representative on the SHCC". 42 USC 300m-3.

(2) Section 1524(b)(1)(A)(iii) is amended to read as follows:

"(iii) Except as otherwise provided in clause (ii) and this clause, each such health systems agency shall be entitled to at least two representatives on the SHCC. If there are more than ten health systems agencies within a State, each health systems agency within such State shall be entitled to at least one representative on the SHCC. Of the representatives of health systems agencies on the SHCC, not less than one-half shall be individuals who are consumers of health care and who are not providers of health care.".

(3) Section 1524(b)(1)(A)(i) is amended (A) by inserting "(or if the number of representatives on the SHCC to which health systems agencies are entitled under the second sentence of clause (iii) is less than sixteen, no fewer than the number to which they are entitled)" after "sixteen representatives", (B) by striking out "at least five", and (C) by adding at the end the following: "Each agency shall submit a number of nominees to the Governor which is at least twice the number of representatives on the SHCC to which the agency is entitled.".

(4) Section 1524(b)(1) is amended by adding at the end thereof the following new paragraph:

"(E) Members of the SHCC who are consumers of health care and who are not providers of health care shall include individuals who represent rural and urban medically underserved populations if such populations exist in the State."

(b) Section 1524(b)(2) is amended to read as follows:

"(2) The Governor may select, by and with the advice and consent of the State senate, or, in the case of a State with a unicameral legislature, of the State legislature, the chairman of the SHCC from among the members of the SHCC. If the Governor does not select the chairman, the SHCC shall select the chairman from among its members.".

(c)(1) Section 1524(b)(1)(C) is amended (A) by striking out "one-third" and inserting in lieu thereof "one-half", and (B) by striking out "an ex officio" and inserting in lieu thereof "a nonvoting, ex officio".

(2) Section 1524(b)(1)(D) is amended by striking out "two" and inserting in lieu thereof "one".

(d) The first sentence of section 1524(c)(2)(B) is amended by striking out "State agency" and inserting in lieu thereof "State Agency".

CENTERS FOR HEALTH PLANNING

42 USC 300n-3.

SEC. 125. (a) Section 1534(b)(1) is amended (1) by inserting "and it will be able to provide assistance and dissemination of information to health systems agencies and State Agencies as provided in subsections (a) and (c)," after "paragraph (2)", and (2) by inserting "and is able to provide such assistance and dissemination of information" after "such requirements".

(b) Clause (2) of section 1534(c) is amended to read as follows: "(2) shall develop and use methods (satisfactory to the Secretary) to disseminate to such agencies and State Agencies planning approaches, methodologies (including methodologies to provide for education of new board members and new staff and continuing education of board members and staff of such agencies and State Agencies), policies, and standards.".

DEFINITIONS

42 USC 300n.

SEC. 126. (a)(1) Section 1531(5) is amended to read as follows: "(5) The term 'institutional health services' means health services which (A) are provided through private and public hospitals, rehabilitation facilities, nursing homes, and other health care facilities, as defined by the Secretary by regulation, and (B) entail annual operating costs of at least the expenditure minimum. For purposes of this paragraph, the term 'expenditure minimum' means $75,000 for the twelve-month period beginning with the month in which this paragraph is enacted and for each twelve-month period thereafter, $75,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index maintained or developed by the Department of Commerce and designated by the Secretary by regulation for purposes of making such adjustment.".

Consultations with congressional committees. 42 USC 300n note.

(2) After the date of the enactment of this Act, the Secretary shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives before promulgating regulations defining health care facilities for purposes of section 1531(5) of the Public Health Service Act as amended by paragraph (1).

(b) Section 1531 is amended by adding after paragraph (8) (added by section 117 of this Act) the following new paragraphs:

42 USC 300m-2. *Ante*, p. 614.

"(9) For purposes of paragraph (5) of this section and sections 1523(a)(4)(B) and 1527, the term 'rehabilitation facility' means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision. For purposes of the remaining provisions of this title, the term 'rehabilitation facility' means an inpatient facility described in the preceding sentence and, in addition, an outpatient facility which is operated as described in such sentence.

42 USC 254c.

"(10) The term 'medically underserved population' has the same meaning as such term has under section 330(b)(3).

"(11) Any reference to the term 'health' includes physical and mental health.

"(12) The term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by a State.".

AUTHORIZATIONS

SEC. 127. (a) Section 1516(d)(1) (as amended by section 106) is amended— *Ante*, p. 598.

(1) by striking out "and" after "1976,", and

(2) by inserting before the period the following: ", $150,000,000 for the fiscal year ending September 30, 1980, $165,000,000 for the fiscal year ending September 30, 1981, and $185,000,000 for the fiscal year ending September 30, 1982".

(b) Section 1525(c) is amended— 42 USC 300m-4.

(1) by striking out "and" after "1976,", and

(2) by inserting before the period the following: ", $35,000,000 for the fiscal year ending September 30, 1980, $40,000,000 for the fiscal year ending September 30, 1981, and $45,000,000 for the fiscal year ending September 30, 1982".

(c) Section 1526(e) is amended— 42 USC 300m-5.

(1) by striking out "and" after "1976,", and

(2) by inserting before the period the following: ", $6,000,000 for the fiscal year ending September 30, 1980, $6,000,000 for the fiscal year ending September 30, 1981, and $6,000,000 for the fiscal year ending September 30, 1982".

(d) Section 1534(d) is amended— 42 USC 300n-3.

(1) by striking out "and" after "1976,", and

(2) by inserting before the period the following: ", $6,000,000 for the fiscal year ending September 30, 1980, $8,000,000 for the fiscal year ending September 30, 1981, and $10,000,000 for the fiscal year ending September 30, 1982".

(e) Section 1640(d) is amended— 42 USC 300t.

(1) by striking out "and" after "1976,", and

(2) by inserting before the period the following: ", $20,000,000 for the fiscal year ending September 30, 1981, and $30,000,000 for the fiscal year ending September 30, 1982".

TECHNICAL AMENDMENT

SEC. 128. Section 1903(m)(2)(C) of the Social Security Act is amended by striking out "the date the entity enters into a contract with the State under this title for the provision of health services on a prepaid risk basis" and inserting in lieu thereof "the date the entity qualifies as a health maintenance organization (as determined by the Secretary)". 42 USC 1396b.

EFFECTIVE DATE

SEC. 129. (a) The amendments made by this title (other than by sections 101, 102, 103(a), 103(b), 103(c), 104(c), 105, 106, 107, 110(c), 110(d), 110(e), 110(f), 111, 115(f), 116(d), 116(e), 117, 120, 123, 126, 127, and 128) shall take effect one year after the date of the enactment of this Act, except that on and after the date of the enactment of this Act— 42 USC 300*l* note.

(1) the changes in the membership of the health systems agencies and the Statewide Health Coordinating Councils required by amendments to sections 1512, 1524, and 1531 shall be implemented through selections of members to fill vacancies occurring after such date, 42 USC 300*l*-1, 300m-3, 300n.

(2) a health systems agency, a State health planning and development agency, and a Statewide Health Coordinating Council may make the organizational and related changes required by

the amendments to sections 1512, 1522, 1523, 1524, and 1531 of the Public Health Service Act, and

42 USC 300*l*-1, 300m-1, 300m-2, 300m-3, 300n.

(3) health systems agencies, State health planning and development agencies, and Statewide Health Coordinating Councils may act in accordance with the changes in their functions made by the amendments to sections 1513, 1522, 1523, 1524, and 1532 of the Public Health Service Act.

42 USC 300*l*-5 note.
Ante, p. 598.
42 USC 300*l*-5.

(b)(1) Except as provided in section 1516(c)(1)(C)(i) of the Public Health Service Act as amended by section 106, the amendments made by section 106 shall apply with respect to grants made under section 1516 of the Public Health Service Act after the date of the enactment of this Act from appropriations under an appropriation Act enacted for the fiscal year ending September 30, 1980.

42 USC 300n-6 note.

(2) The amendments made by sections 116(d), 116(e), 117, and 126 shall take effect on the date of the enactment of this Act, except that if the Secretary of Health, Education, and Welfare determines that any amendment made by any such section will require a State to change its laws before the State health planning and development agency designated for such State may perform its functions under section 1523(a)(4)(B) of the Public Health Service Act, such amendment shall take effect in such State—

42 USC 300m-2.

(A) if the legislature of the State is in a regular session on the date of the enactment of the Health Planning and Resources Development Amendments of 1979 and the legislature will be in session for at least twelve months from such date, twelve months from such date, or

(B) if the legislature of the State is in session on such date of enactment but twelve months do not remain in such session after such date or if the legislature of the State is not in session on such date, twelve months after the beginning of the first regular session of the legislature beginning after such date.

TITLE II—REVISION OF AUTHORITY FOR HEALTH RESOURCES DEVELOPMENT

REVISION AND EXTENSION OF ASSISTANCE

Repeal.
42 USC 300p-300p-3.
Post, p. 632, 635.
42 USC 300q.

SEC. 201. (a) Part B of title XVI is repealed.

(b)(1) Subsections (a) and (b) of section 1620 are amended to read as follows:

Loans to public or nonprofit entities.
42 USC 300q-2.

"(a)(1) The Secretary, during the period ending September 30, 1982, may, in accordance with this part, make loans from the fund established under section 1622(d) to any public or nonprofit private entity for projects for—

"(A) the discontinuance of unneeded hospital services or facilities,

"(B) the conversion of unneeded hospital services and facilities to needed health services and medical facilities, including outpatient medical facilities and facilities for long-term care;

"(C) the renovation and modernization of medical facilities, particularly projects for the prevention or elimination of safety hazards, projects to avoid noncompliance with licensure or accreditation standards, or projects to replace obsolete facilities;

"(D) the construction of new outpatient medical facilities; and

"(E) the construction of new inpatient medical facilities in areas which have experienced (as determined by the Secretary) recent rapid population growth.

Guarantees.

"(2)(A) The Secretary, during the period ending September 30, 1982, may, in accordance with this part, guarantee to—

"(i) non-Federal lenders for their loans to public and nonprofit private entities for medical facilities projects described in paragraph (1), and

"(ii) the Federal Financing Bank for its loans to public and nonprofit private entities for such projects,

payment of principal and interest on such loans.

"(B) In the case of a guarantee of any loan to a public or nonprofit private entity under subparagraph (A)(i) which is located in an urban or rural poverty area, the Secretary may pay, to the holder of such loan and for and on behalf of the project for which the loan was made, amounts sufficient to reduce by not more than one half the net effective interest rate otherwise payable on such loan if the Secretary finds that without such assistance the project could not be undertaken.

Projects in urban or rural areas, loan assistance.

"(b) The principal amount of a loan directly made or guaranteed under subsection (a) for a medical facilities project, when added to any other assistance provided such project under part B, may not exceed 90 per centum of the cost of such project unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the principal amount, when added to other assistance under part B, may cover up to 100 per centum of such costs.".

Medical facilities project loan, limitation. *Ante*, p. 630.

(2) Section 1622(b)(2)(D) is amended by striking out "minus 3 per centum per annum" and inserting in lieu thereof the following: "minus any interest subsidy made in accordance with section 1601(a)(2)(B) with respect to a loan made for a project located in an urban or rural poverty area".

42 USC 300q-2. *Post*, pp. 632, 635.

Post, p. 635.

(3) Section 1622(e)(2) is amended (A) by striking out "and" after "1977,", and (B) by inserting before the period a comma and the following: "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982".

(c) Section 1625 is amended to read as follows:

42 USC 300r. *Post*, pp. 632, 635.

"PROJECT GRANTS

"SEC. 1625. (a)(1)(A) The Secretary may make grants for construction or modernization projects designed to—

"(i) eliminate or prevent in medical facilities imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or

"(ii) avoid noncompliance by medical facilities with State or voluntary licensure or accreditation standards.

"(B) A grant under subparagraph (A) may only be made to—

"(i) a State or political subdivision of a State, including any city, town, county, borough, hospital district authority, or public or quasi-public corporation, for any medical facility owned or operated by the State or political subdivision; and

"(ii) a nonprofit private entity for any medical facility owned or operated by the entity but only if the Secretary determines—

"(I) the level of community service provided by the facility and the proportion of its patients who are unable to pay for services rendered in the facility is similar to such level and proportion in a medical facility of a State or political subdivision, and

"(II) that without a grant under subparagraph (A) there would be a disruption of the provision of health care to low-income individuals.

"(2) The amount of any grant under paragraph (1) may not exceed 75 per centum of the cost of the project for which the grant is made unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the grant may cover up to 100 per centum of such costs.

Appropriation authorization.

"(3) There are authorized to be appropriated for grants under paragraph (1) $40,000,000 for the fiscal year ending September 30, 1980, $50,000,000 for the fiscal year ending September 30, 1981, and $50,000,000 for the fiscal year ending September 30, 1982. Funds available for obligation under this subsection (as in effect before the date of the enactment of the Health Planning and Resources Development Amendments of 1979) in the fiscal year ending September 30, 1979, shall remain available for obligation under this subsection in the succeeding fiscal year.

"(b)(1) The Secretary may make grants to public and nonprofit private entities for projects for (A) construction or modernization of outpatient medical facilities which are located apart from hospitals and which will provide services for medically underserved populations, and (B) conversion of existing facilities into outpatient medical facilities or facilities for long-term care to provide services for such populations.

"(2) The amount of any grant under paragraph (1) may not exceed 80 per centum of the cost of the project for which the grant is made unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the grant may cover up to 100 per centum of such costs.

Appropriation authorization.

"(3) There are authorized to be appropriated for grants under paragraph (1) $15,000,000 for the fiscal year ending September 30, 1981, and $15,000,000 for the fiscal year ending September 30, 1982.".

CONFORMING AMENDMENTS

Repeal.
42 USC 300*o*-300*o*-3
42 USC 300q-300q-2, 300r, 300s-300s-5, 300t.
42 USC 300s.
42 USC 300s-1a-300s-5.

SEC. 202. (a) Part A of title XVI is repealed and parts C, D, E, and F of title XVI are redesignated as parts A, B, C, and D, respectively.

(b) Part C (as so redesignated) of title XVI is amended by striking out section 1630, by redesignating section 1631 through 1635 as section 1622 through 1626, respectively, and by inserting before section 1622 (as so redesignated) the following:

"GENERAL REGULATIONS

42 USC 300s.

"SEC. 1620. The Secretary shall by regulation—

"(1) prescribe the manner in which he shall determine the priority among projects for which assistance is available under part A or B, based on the relative need of different areas for such projects and giving special consideration—

"(A) to projects for medical facilities serving areas with relatively small financial resources and for medical facilities serving rural communities,

"(B) in the case of projects for modernization of medical facilities, to projects for facilities serving densely populated areas,

"(C) in the case of projects for construction of outpatient medical facilities, to projects that will be located in, and provide services for residents of, areas determined by the Secretary to be rural or urban poverty areas,

"(D) to projects designed to (i) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or (ii) avoid noncompliance with State or voluntary licensure or accreditation standards, and

"(E) to projects for medical facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

"(2) prescribe for medical facilities projects assisted under part A or B general standards of construction, modernization, and equipment, which standards may vary on the basis of the class of facilities and their location; and

"(3) prescribe the general manner in which each entity which receives financial assistance under part A or B or has received financial assistance under part A or B or title VI shall be required to comply with the assurances required to be made at the time such assistance was received and the means by which such entity shall be required to demonstrate compliance with such assurances.

42 USC 300q-300q-2, 300r, 291.
Ante, p. 632.

An entity subject to the requirements prescribed pursuant to paragraph (3) respecting compliance with assurances made in connection with receipt of financial assistance shall submit periodically to the Secretary data and information which reasonably supports the entity's compliance with such assurances. The Secretary may not waive the requirement of the preceding sentence.

"APPLICATIONS

"SEC. 1621. (a) No loan, loan guarantee, or grant may be made under part A or B for a medical facilities project unless an application for such project has been submitted to and approved by the Secretary. If two or more entities join in a project, an application for such project may be filed by any of such entities or by all of them.

42 USC 300s-1.

"(b)(1) An application for a medical facilities project shall be submitted in such form and manner as the Secretary shall by regulation prescribe and shall, except as provided in paragraph (2), set forth—

"(A) in the case of a modernization project for a medical facility for continuation of existing health services, a finding by the State Agency of a continued need for such services, and, in the case of any other project for a medical facility, a finding by the State Agency of the need for the new health services to be provided through the medical facility upon completion of the project;

"(B) in the case of an application for a grant, assurances satisfactory to the Secretary that (i) the applicant making the application would not be able to complete the project for which the application is submitted without the grant applied for, and (ii) in the case of a project to construct a new medical facility, it would be inappropriate to convert an existing medical facility to provide the services to be provided through the new medical facility;

"(C) in the case of a project for the discontinuance of a service or facility or the conversion of a service or a facility, an evaluation of the impact of such discontinuance or conversion on the provision of health care in the health service area in which such service was provided or facility located;

"(D) a description of the site of such project;

"(E) plans and specifications therefor which meet the requirements of the regulations prescribed under section 1620(2);

Ante, p. 632.

"(F) reasonable assurance that title to such site is or will be vested in one or more of the entities filing the application or in a public or other nonprofit entity which is to operate the facility on completion of the project;

"(G) reasonable assurance that adequate financial support will be available for the completion of the project and for its maintenance and operation when completed, and, for the purpose of determining if the requirements of this subparagraph are met, Federal assistance provided directly to a medical facility which is located in an area determined by the Secretary to be an urban or rural poverty area or through benefits provided individuals served at such facility shall be considered as financial support;

"(H) the type of assistance being sought under part A or B for the project;

42 USC 300q–300q-2, 300r.
Ante, p. 632.

"(I) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(J) in the case of a project for the construction or modernization of an outpatient facility, reasonable assurance that the services of a general hospital will be available to patients at such facility who are in need of hospital care; and

"(K) reasonable assurance that at all times after such application is approved (i) the facility or portion thereof to be constructed, modernized, or converted will be made available to all persons residing or employed in the area served by the facility, and (ii) there will be made available in the facility or portion thereof to be constructed, modernized, or converted a reasonable volume of services to persons unable to pay therefor and the Secretary, in determining the reasonableness of the volume of services provided, shall take into consideration the extent to which compliance is feasible from a financial viewpoint.

Waiver.

"(2)(A) The Secretary may waive—

"(i) the requirements of subparagraph (D) of paragraph (1) for compliance with modernization and equipment standards prescribed pursuant to section 1620(2), and

Ante, p. 632.

"(ii) the requirement of subparagraph (E) of paragraph (1) respecting title to a project site,

in the case of an application for a project described in subparagraph (B) of this paragraph.

"(B) A project referred to in subparagraph (A) is a project—

"(i) for the modernization of an outpatient medical facility which will provide general purpose health services, which is not part of a hospital, and which will serve a medically underserved population as defined in section 1624 or as designated by a health systems agency, and

42 USC 300s-3.
Ante, p. 632.

"(ii) for which the applicant seeks a loan under part A the principal amount of which does not exceed $20,000.".

42 USC 300s–300s-5.
Ante, p. 632.

(c) Part C (as so redesignated) of title XVI is amended by adding at the end thereof the following new section:

"ENFORCEMENT OF ASSURANCES

42 USC 300s-6.

"SEC. 1627. The Secretary shall investigate and ascertain, on a periodic basis, with respect to each entity which is receiving financial assistance under this title or which has received financial assistance

42 USC 291.
Noncompliance report.

under title VI or this title, the extent of compliance by such entity with the assurances required to be made at the time such assistance was received. If the Secretary finds that such an entity has failed to comply with any such assurance, the Secretary shall report such noncompliance to the health systems agency for the health service area in which such entity is located and the State health planning and development agency of the State in which the entity is located and shall take any action authorized by law (including an action for specific performance brought by the Attorney General upon request of the Secretary) which will effect compliance by the entity with such assurances. An action to effectuate compliance with any such assurance may be brought by a person other than the Secretary only if a complaint has been filed by such person with the Secretary and the Secretary has dismissed such complaint or the Attorney General has not brought a civil action for compliance with such assurance within six months after the date on which the complaint was filed with the Secretary.".

TECHNICAL AMENDMENTS

Ante, p. 632.

SEC. 203. (a) Part A (as so redesignated) of title XVI is amended—

42 USC 300q-1, 300q, 300q-2.

(1) by striking out section 1621 and by redesignating sections 1620 and 1622 as sections 1601 and 1602, respectively,

42 USC 300q.

(2) by striking out "section 1622(d)" in subsection (a)(1) of section 1601 (as so redesignated) and inserting in lieu thereof "section 1602(d)", and

42 USC 300q-2.

(3) by striking out "section 1620(b)(2)" each place it occurs in subsection (d) of section 1602 (as so redesignated) and inserting in lieu thereof "section 1601(a)(2)(B)".

Ante, pp. 631, 632.
42 USC 300r.

(b) Section 1625 of part B (as so redesignated) is redesignated as section 1610.

42 USC 300s-1a.

(c) Subsection (a)(1) of section 1622 (as so redesignated) is amended by striking out "section 1604" and inserting in lieu thereof "section 1621 or 1642".

42 USC 300s-2.

(d) Section 1623 (as so redesignated) is amended by striking out "STATE" in the heading for such section.

42 USC 300s-3.

(e)(1) Section 1624 (as so redesignated) is amended by striking out paragraphs (1) and (2) and by redesignating paragraphs (3) through (16) as paragraphs (1) through (14), respectively.

42 USC 201.

(2) Section 2(f) of the Public Health Service Act is amended by striking out "1531(1), and 1633(1)" and inserting in lieu thereof "and 1531(1)".

42 USC 300s-5.

(f) Section 1626 (as so redesignated) is amended (1) by striking out "nonprofit", and (2) by striking out "section 1604" and inserting in lieu thereof "section 1621 or 1642".

42 USC 300q-2.

(g)(1) Section 1602 (as so redesignated) is amended by adding at the end thereof the following:

Loan, default prevention.
42 USC 291.

"(f)(1) The Secretary may take such action as may be necessary to prevent a default on a loan made or guaranteed under this part or under title VI, including the waiver of regulatory conditions, deferral of loan payments, renegotiation of loans, and the expenditure of funds for technical and consultative assistance, for the temporary payment of the interest and principal on such a loan, and for other purposes. Any such expenditure made under the preceding sentence on behalf of a medical facility shall be made under such terms and conditions as the Secretary shall prescribe, including the implementation of such organizational, operational, and financial reforms as the Secretary determines are appropriate and the disclosure of such financial or other information as the Secretary may require to determine the extent of the implementation of such reforms.

Foreclosure procedures.

"(2) The Secretary may take such action, consistent with State law respecting foreclosure procedures, as he deems appropriate to protect the interest of the United States in the event of a default on a loan made or guaranteed under this part or under title VI, including for a reasonable period of time taking possession of, holding, and using real property pledged as security for such a loan or loan guarantee.".

42 USC 291.

42 USC 300q-2. *Ante*, p. 635.

(2) Paragraph (1) of subsection (d) of section 1602 (as so redesignated) is amended (A) by striking out "and" at the end of subparagraph (D), (B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof ", and", and (C) by adding after subparagraph (E) the following:

"(F) to enable the Secretary to take the action authorized by subsection (f).".

(3) Paragraph (2) of such subsection (d) is amended (A) by striking out "and" at the end of subparagraph (D), (B) by inserting "and" at the end of subparagraph (E), and (C) by adding after subparagraph (E) the following:

"(F) to enable the Secretary to take the action authorized by subsection (f),".

EFFECTIVE DATE

42 USC 300q note.

SEC. 204. The amendments made by this title shall take effect October 1, 1979, except that the amendments made by section 201(b) respecting the payment of an interest subsidy for a loan or loan guarantee made under part A of title XVI of the Public Health Service Act shall apply only with respect to loans and loan guarantees made after October 1, 1979, and with respect to loans and loan guarantees made under such part before such date the Secretary shall continue to pay the interest subsidy authorized for such loans and loan guarantees before such date.

42 USC 300q-300q-2. *Ante*, p. 632.

TITLE III—PROGRAM TO ASSIST AND ENCOURAGE THE DISCONTINUANCE OF UNNEEDED HOSPITAL SERVICES

AUTHORIZATION OF PROGRAM

SEC. 301. (a) Title XVI, as amended by title II of this Act, is amended by adding at the end the following new part:

"PART E—PROGRAM TO ASSIST AND ENCOURAGE THE VOLUNTARY DISCONTINUANCE OF UNNEEDED HOSPITAL SERVICES AND THE CONVERSION OF UNNEEDED HOSPITAL SERVICES TO OTHER HEALTH SERVICES NEEDED BY THE COMMUNITY

"ESTABLISHMENT OF PROGRAM

42 USC 300t-11.

"SEC. 1641. The Secretary shall, by April 1, 1980, establish a program under which—

Grants and technical assistance.

"(1) grants and technical assistance may be provided to hospitals in operation on the date of the enactment of this part (A) for the discontinuance of unneeded hospital services, and (B) for the conversion of unneeded hospital services to other health services needed by the community; and

Grants to State agencies. *Ante*, p. 625.

"(2) grants may be provided to State Agencies designated under section 1521(b)(3) for reducing excesses in resources and facilities of hospitals.

"GRANTS FOR DISCONTINUANCE AND CONVERSION

"SEC. 1642. (a)(1) A grant to a hospital under the program shall be subject to such terms and conditions as the Secretary may by regulation prescribe to assure that the grant is used for the purpose for which it was made. 42 USC 300t-12.

"(2) The amount of any such grant shall be determined by the Secretary. The recipient of such a grant may use the grant—

"(A) in the case of a grantee which discontinues the provision of all hospital services or all inpatient hospital services or an identifiable part of a hospital facility which provides inpatient hospital services, for the liquidation of the outstanding debt on the facilities of the grantee used for the provision of the services or for the liquidation of the outstanding debt of the grantee on such identifiable part;

"(B) in the case of a grantee which in discontinuing the provision of an inpatient hospital service converts or proposes to convert an identifiable part of a hospital facility used in the provision of the discontinued service to the delivery of other health services, for the planning, development (including construction and acquisition of equipment), and delivery of the health service;

"(C) to provide reasonable termination pay for personnel of the grantee who will lose employment because of the discontinuance of hospital services made by the grantee, retraining of such personnel, assisting such personnel in securing employment, and other costs of implementing arrangements described in subsection (c); and

"(D) for such other costs which the Secretary determines may need to be incurred by the grantee in discontinuing hospital services.

"(b)(1) No grant may be made to a hospital unless an application therefor is submitted to and approved by the Secretary. Such an application shall be in such form and submitted in such manner as the Secretary may prescribe and shall include—

"(A) a description of each service to be discontinued and, if a part of a hospital is to be discontinued or converted to another use in connection with such discontinuance, a description of such part;

"(B) an evaluation of the impact of such discontinuance and conversion on the provision of health care in the health service area in which such service is provided;

"(C) an estimate of the change in the applicant's costs which will result from such discontinuance and conversion; and

"(D) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(E) such other information as the Secretary may require.

"(2)(A) The health systems agency for the health service area in which is located a hospital applying for a grant under the program shall (i) in making the review of the applicant's application under section 1513(e), determine the need for each service or part proposed 42 USC 300*l*-2.

to be discontinued by the applicant, (ii) in the case of an application for the conversion of a facility, determine the need for each service which will be provided as a result of the conversion, and (iii) make a recommendation to the State Agency for the State in which the applicant is located respecting approval by the Secretary of the applicant's application.

"(B) A State Agency which has received a recommendation from a health systems agency under subparagraph (A) respecting an application shall, after consideration of such recommendation, make a recommendation to the Secretary respecting the approval by the Secretary of the application. A State Agency's recommendation under this subparagraph respecting the approval of an application (i) shall be based upon (I) the need for each service or part proposed to be discontinued by the applicant, (II) in the case of an application for the conversion of a facility, the need for each service which will be provided as a result of the conversion, and (III) such other criteria as the Secretary may prescribe, and (ii) shall be accompanied by the health systems agency's recommendation made with respect to the approval of the application.

"(C) In determining, under subparagraphs (A) and (B), the need for the service (or services) or part proposed to be discontinued or converted by an applicant for a grant, a health systems agency and State Agency shall give special consideration to the unmet needs and existing access patterns of urban or rural poverty populations.

"(3)(A) The Secretary may not approve an application of a hospital for a grant—

"(i) if a State Agency recommended that the application not be approved, or

"(ii) if the Secretary is unable to determine that the cost of providing inpatient health services in the health service area in which the applicant is located will be less than if the inpatient health services proposed to be discontinued were not discontinued.

"(B) In considering applications of hospitals for grants the Secretary shall consider the recommendations of health systems agencies and State Agencies and shall give special consideration to applications (i) which will assist health systems agencies and State Agencies to meet the goals in their health systems plans and State health plans, or (ii) which will result in the greatest reduction in hospital costs within a health service area.

"(c)(1) Except as provided in paragraph (3), the Secretary may not approve an application submitted under subsection (b) unless the Secretary of Labor has certified that fair and equitable arrangements have been made to protect the interests of employees affected by the discontinuance of services against a worsening of their positions with respect to their employment, including arrangements to preserve the rights of employees under collective-bargaining agreements, continuation of collective-bargaining rights consistent with the provisions of the National Labor Relations Act, reassignment of affected employees to other jobs, retraining programs, protecting pension, health benefits, and other fringe benefits of affected employees, and arranging adequate severance pay, if necessary. 29 USC 167.

Guidelines, promulgation, consultation, with HEW.

"(2) The Secretary of Labor shall by regulation prescribe guidelines for arrangements for the protection of the interests of employees affected by the discontinuance of hospital services. The Secretary of Labor shall consult with the Secretary of Health, Education, and Welfare in the promulgation of such guidelines. Such guidelines shall first be promulgated not later than the promulgation of regulations by the Secretary for the administration of the grants authorized by section 1641. *Ante*, p. 636.

"(3) The Secretary of Labor shall review each application submitted under subsection (b) to determine if the arrangements described in paragraph (1) have been made and if they are satisfactory and shall notify the Secretary respecting his determination. Such review shall be completed within—

"(A) ninety days from the date of the receipt of the application from the Secretary of Health, Education, and Welfare, or

"(B) one hundred and twenty days from such date if the Secretary of Labor has by regulation prescribed the circumstances under which the review will require at least one hundred and twenty days.

If within the applicable period, the Secretary of Labor does not notify the Secretary of Health, Education, and Welfare respecting his determination, the Secretary of Health, Education, and Welfare shall review the application to determine if the applicant has made the arrangements described in paragraph (1) and if such arrangements are satisfactory. The Secretary may not approve the application unless he determines that such arrangements have been made and that they are satisfactory.

"(d) The records and audits requirements of section 705 shall apply with respect to grants made under subsection (a). 42 USC 292e.

"(e) For purposes of this part, the term 'hospital' means, with respect to any fiscal year, an institution (including a distinct part of an institution participating in the programs established under title XVIII of the Social Security Act)— 42 USC 1395.

"(1) which satisfies paragraphs (1) and (7) of section 1861(e) of such Act,

"(2) imposes charges or accepts payments for services provided to patients, and

"(3) the average duration of a patient's stay in which was thirty days or less in the preceding fiscal year,

but such term does not include a Federal hospital or a psychiatric hospital (as described in section 1861(f)(1) of the Social Security Act). 42 USC 1395x.

"GRANTS TO STATES FOR REDUCTION OF EXCESS HOSPITAL CAPACITY

"SEC. 1643. (a) For the purpose of demonstrating the effectiveness of various means for reducing excesses in resources and facilities of hospitals (referred to in this section as 'excess hospital capacity'), the Secretary may make grants to State Agencies designated under section 1521(b)(3) to assist such Agencies in— 42 USC 300t-13. 42 USC 300m.

"(1) identifying (by geographic region or by health service) excess hospital capacity,

"(2) developing programs to inform the public of the costs associated with excess hospital capacity,

"(3) developing programs to reduce excess hospital capacity in a manner which will produce the greatest savings in the cost of health care delivery,

"(4) developing means to overcome barriers to the reduction of excess hospital capacity,

"(5) in planning, evaluating, and carrying out programs to decertify health care facilities providing health services that are not appropriate, and

"(6) any other activity related to the reduction of excess hospital capacity.

"(b) Grants under subsection (a) shall be made on such terms and conditions as the Secretary may prescribe.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 300t-14. *Ante*, pp. 637, 639.

"Sec. 1644. To make payments under grants under sections 1642 and 1643 there are authorized to be appropriated $30,000,000 for the fiscal year ending September 30, 1980, $50,000,000 for the fiscal year ending September 30, 1981, and $75,000,000 for the fiscal year ending September 30, 1982, except that in any fiscal year not more than 10 percent of the amount appropriated under this section may be obligated for grants under section 1643.".

42 USC 300s-3. *Ante*, p. 632. *Ante*, p. 637.

(b) Section 1624 is amended by striking out "For purposes of this title" and inserting in lieu thereof "Except as provided in section 1642(e), for purposes of this title".

STUDY

Unneeded hospital services, elimination. 42 USC 300t-11 note. *Ante*, p. 636. Report to Congress.

Sec. 302. The Secretary of Health, Education, and Welfare shall conduct a study of the effect on the elimination of unneeded hospital services made during the two fiscal year period ending September 30, 1981, by the program authorized by part E of title XVI of the Public Health Service Act. The Secretary shall not later than January 1, 1982, report the results of the study to Congress together with his recommendations for any revisions in the program under such part E which he determines to be appropriate, including any revision in the authorizations of appropriations for grants under such program.

Approved October 4, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-190 accompanying H.R. 3917 (Comm. on Interstate and Foreign Commerce) and No. 96-420 (Comm. of Conference).
SENATE REPORTS: No. 96-96 (Comm. on Labor and Human Resources) and No. 96-309 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 1, considered and passed Senate.
July 19, H.R. 3917 considered and passed House; passage vacated and S. 544, amended, passed in lieu.
Sept. 20, House agreed to conference report.
Sept. 21, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 40:
Oct. 4, Presidential statement.

Public Law 96-80
96th Congress

Joint Resolution

Authorizing and requesting the President of the United States to issue a proclamation designating the seven calendar days beginning October 7, 1979, as "National Port Week".

Oct. 6, 1979
[H.J. Res. 303]

Whereas United States coastal and inland ports make a direct and significant contribution to our national economic well-being; and

Whereas much of the history of the United States has been shaped by its ports and interconnecting inland waterways and greatly influenced the growth of various communities; and

Whereas ports, in serving United States waterborne commerce, generate significant employment and direct dollar income to the local and regional economies they serve, as well as have major impact on employment and production in areas far distant from their location; and

Whereas United States ports provide a wide variety of services and activities essential to the smooth and efficient conduct of foreign trade and have a direct impact on our balance of payments; and

Whereas American ports are a vital asset in maintaining a strong posture in national security: Now, therefore, be it

National Port Week. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the seven-day period beginning October 7, 1979, as "National Port Week" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

Approved October 6, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 20, considered and passed House.
Oct. 2, considered and passed Senate.

Public Law 96-81
96th Congress

An Act

Oct. 6, 1979
[S. 721]

To amend the Civil Rights Act of 1957 to authorize appropriations for the United States Commission on Civil Rights for fiscal year 1980.

Civil Rights Commission Authorization Act of 1979.
42 USC 1975 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That this Act may be cited as the "Civil Rights Commission Authorization Act of 1979".**

SEC. 2. Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c) is amended by inserting at the end the following:

Eastern- and southern-European ethnic groups.
Report to Congress.

"(g) The Commission shall continue to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution involving Americans who are members of eastern- and southern-European ethnic groups and shall report its findings to the Congress. Such report shall include an analysis of the adverse consequences of affirmative action programs encouraged by the Federal Government upon the equal opportunity rights of these Americans.".

SEC. 3. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 106. There are authorized to be appropriated not to exceed $14,000,000 to carry out the provisions of this Act for the fiscal year ending September 30, 1980.".

Approved October 6, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-109 accompanying H.R. 2641 (Comm. on the Judiciary).
SENATE REPORT No. 96-167 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  June 7, considered and passed Senate.
  June 8, H.R. 2641 considered and passed House; proceedings vacated and S. 721, amended, passed in lieu.
  Sept. 25, Senate concurred in House amendment with an amendment and disagreed with another.
  Sept. 27, House concurred in Senate amendment and receded from its amendment.

Public Law 96-82
96th Congress

An Act

To improve access to the Federal courts by enlarging the civil and criminal jurisdiction of United States magistrates, and for other purposes.

Oct. 10, 1979
[S. 237]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Magistrate Act of 1979".

Federal Magistrate Act of 1979.
28 USC 631 note.

SEC. 2. Section 636 of title 28, United States Code, is amended—

(1) by redesignating subsections (c) through (f) thereof as subsections (d) through (g), respectively; and

(2) by inserting immediately after subsection (b) thereof the following new subsection:

"(c) Notwithstanding any provision of law to the contrary—

"(1) Upon the consent of the parties, a full-time United States magistrate or a part-time United States magistrate who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate may exercise such jurisdiction, if such magistrate meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate is not reasonably available in accordance with guidelines established by the judicial council of the circuit. When there is more than one judge of a district court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge.

28 USC 631.

"(2) If a magistrate is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of their right to consent to the exercise of such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, neither the district judge nor the magistrate shall attempt to persuade or induce any party to consent to reference of any civil matter to a magistrate. Rules of court for the reference of civil matters to magistrates shall include procedures to protect the voluntariness of the parties' consent.

Appeal.

"(3) Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate in the same manner as an appeal from any other judgment of a district court. In this circumstance, the consent of the parties allows a magistrate designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of a judgment of the district court in accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

Appeal.

"(4) Notwithstanding the provisions of paragraph (3) of this subsection, at the time of reference to a magistrate, the parties may further consent to appeal on the record to a judge of the district court in the same manner as on an appeal from a judgment of the district court to a court of appeals. Wherever possible the local rules of the district court and the rules promulgated by the conference shall endeavor to make such appeal expeditious and inexpensive. The district court may affirm, reverse, modify, or remand the magistrate's judgment.

"(5) Cases in the district courts under paragraph (4) of this subsection may be reviewed by the appropriate United States court of appeals upon petition for leave to appeal by a party stating specific objections to the judgment. Nothing in this paragraph shall be construed to be a limitation on any party's right to seek review by the Supreme Court of the United States.

"(6) The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate under this subsection.

Record of proceedings.

28 USC 753.

"(7) The magistrate shall determine, taking into account the complexity of the particular matter referred to the magistrate, whether the record in the proceeding shall be taken, pursuant to section 753 of this title, by electronic sound recording means, by a court reporter appointed or employed by the court to take a verbatim record by shorthand or by mechanical means, or by an employee of the court designated by the court to take such a verbatim record. Notwithstanding the magistrate's determination, (A) the proceeding shall be taken down by a court reporter if any party so requests, (B) the proceeding shall be recorded by a means other than a court reporter if all parties so agree, and (C) no record of the proceeding shall be made if all parties so agree. Reporters referred to in this paragraph may be transferred for temporary service in any district court of the judicial circuit for reporting proceedings under this subsection, or for other reporting duties in such court.".

Sec. 3. (a) Section 631(a) of title 28, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "Where the conference deems it desirable, a magistrate may be designated to serve in one or more districts adjoining the district for which he is appointed. Such a designation shall be made by the concurrence of a majority of the judges of each of the district courts involved and shall specify the duties to be performed by the magistrate in the adjoining district or districts.".

(b) Section 631(b) of title 28, United States Code, is amended—

(1) by inserting "reappointed to" immediately after "appointed or";

(2) in paragraph (1), by inserting ", and has been for at least 5 years," immediately after "He is"; and

(3) in paragraph (1), by inserting "or" at the end of subparagraph (A), by striking out "or" at the end of subparagraph (B), and by striking out subparagraph (C).

(c) Section 631(b) of title 28, United States Code, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following new paragraph:

Selection standards.

"(5) He is selected pursuant to standards and procedures promulgated by the Judicial Conference of the United States. Such standards and procedures shall contain provision for public notice of all vacancies in magistrate positions and for the establishment by the district courts of merit selection panels, composed of residents of the individual judicial districts, to assist the courts in identifying and recommending persons who are best qualified to fill such positions.".

(d) Section 631 of title 28, United States Code, is amended—

(1) by redesignating subsections (f) through (j) thereof as subsections (g) through (k), respectively; and

(2) by inserting immediately after subsection (e) thereof the following new subsection:

"(f) Upon the expiration of his term, a magistrate may, by a majority vote of the judges of the appointing district court or courts and with the approval of the judicial council of the circuit, continue to perform the duties of his office until his successor is appointed, or for 60 days after the date of the expiration of the magistrate's term, whichever is earlier.".

Selection recommendations.
28 USC 631 note.

(e) The merit selection panels established under section 631(b)(5) of title 28, United States Code, in recommending persons to the district court, shall give due consideration to all qualified individuals, especially such groups as women, blacks, Hispanics, and other minorities.

28 USC 631 note.

(f) Magistrates serving prior to the promulgation of magistrate selection standards and procedures by the Judicial Conference of the United States may only exercise the jurisdiction conferred under the amendment made by section 2 of this Act after having been reappointed under such standards and procedures or after having been certified as qualified to exercise such jurisdiction by the judicial council of the circuit in which the magistrate serves.

Effective date.
28 USC 631 note.

(g) The amendment made by subsection (c) of this section shall not take effect until 30 days after the meeting of the Judicial Conference of the United States next following the effective date of this Act.

SEC. 4. Section 633(c) of title 28, United States Code, is amended by striking out the final sentence.

SEC. 5. Section 604(d)(3) of title 28, United States Code, is amended by inserting immediately before the semicolon the following: ", including (A) the number of matters in which the parties consented to the exercise of jurisdiction by a magistrate, (B) the number of appeals taken pursuant to the decisions of magistrates and the disposition of such appeals, and (C) the professional background and qualifications of individuals appointed under section 631 of this title to serve as magistrate".

28 USC 631.

SEC. 6. Section 1915(b) of title 28, United States Code, is amended to read as follows:

Court expenses.

"(b) Upon the filing of an affidavit in accordance with subsection (a) of this section, the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title. Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts.".

28 USC 636.

Ante, p. 643.

SEC. 7. (a) Section 3401 of title 18, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

Misdemeanors, jurisdiction.

"(a) When specially designated to exercise such jurisdiction by the district court or courts he serves, any United States magistrate shall have jurisdiction to try persons accused of, and sentence persons convicted of, misdemeanors committed within that judicial district.";

(2) by amending subsection (b) to read as follows:

Defendant's rights.

"(b) Any person charged with a misdemeanor may elect, however, to be tried before a judge of the district court for the district in which the offense was committed. The magistrate shall carefully explain to the defendant that he has a right to trial, judgment, and sentencing by a judge of the district court and that he may have a right to trial by jury before a district judge or magistrate. The magistrate shall not proceed to try the case unless the defendant, after such explanation, files a written consent to be tried before the magistrate that specifically waives trial, judgment, and sentencing by a judge of the district court.";

(3) by amending subsection (f) to read as follows:

Misdemeanor proceedings.

"(f) The district court may order that proceedings in any misdemeanor case be conducted before a district judge rather than a United States magistrate upon the court's own motion or, for good cause shown, upon petition by the attorney for the Government. Such petition should note the novelty, importance, or complexity of the case, or other pertinent factors, and be filed in accordance with regulations promulgated by the Attorney General."; and

(4) by adding at the end thereof the following new subsections:

Youth offenders.

"(g) The magistrate may, in a case involving a youth offender in which consent to trial before a magistrate has been filed under subsection (b) of this section, impose sentence and exercise the other powers granted to the district court under chapter 402 and section 4216 of this title, except that—

18 USC 5005 *et seq.*, 4216.

"(1) the magistrate may not sentence the youth offender to the custody of the Attorney General pursuant to such chapter for a period in excess of 1 year for conviction of a misdemeanor or 6 months for conviction of a petty offense;

"(2) such youth offender shall be released conditionally under supervision no later than 3 months before the expiration of the term imposed by the magistrate, and shall be discharged unconditionally on or before the expiration of the maximum sentence imposed; and

"(3) the magistrate may not suspend the imposition of sentence and place the youth offender on probation for a period in excess of 1 year for conviction of a misdemeanor or 6 months for conviction of a petty offense.

"(h) The magistrate may, in a petty offense case involving a juvenile in which consent to trial before a magistrate has been filed under subsection (b) of this section, exercise all powers granted to the district court under chapter 403 of this title. For purposes of this subsection, proceedings under chapter 403 of this title may be instituted against a juvenile by a violation notice or complaint, except that no such case may proceed unless the certification referred to in section 5032 of this title has been filed in open court at the arraignment. No term of imprisonment shall be imposed by the magistrate in any such case.".

18 USC 5031 *et seq.*

18 USC 5032.

(b) The heading for section 3401 of title 18, United States Code, is amended by striking out "Minor offenses" and inserting in lieu thereof "Misdemeanors".

(c) The item relating to section 3401 in the table of sections of chapter 219 of title 18, United States Code, is amended by striking out "Minor offenses" and inserting in lieu thereof "Misdemeanors".

SEC. 8. (a) The first sentence of section 635(a) of title 28, United States Code, is amended by inserting after "including" the following: "the compensation of such legal assistants as the Judicial Conference, on the basis of the recommendations of the judicial councils of the circuits, considers necessary, and".

(b) The first sentence of section 634(c) of title 28, United States Code, is amended by striking out "clerical" and inserting in lieu thereof "legal, clerical,".

Study, availability to Congress.
28 USC 631 note.

SEC. 9. The Judicial Conference of the United States shall undertake a study, to begin within 90 days after the effective date of this Act and to be completed and made available to Congress within 24 months thereafter, concerning the future of the magistrate system, the precise scope of such study to be recommended by the Chairmen of the Judiciary Committees of each House of Congress.

Appropriations authorization.
28 USC 631 note.

SEC. 10. Such sums as may be necessary to carry out the purposes of this Act are hereby authorized to be appropriated for expenditure on or after October 1, 1979.

Approved October 10, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-287 accompanying H.R. 1046 (Comm. on the Judiciary) and No. 96-444 (Comm. of Conference).
SENATE REPORTS: No. 96-74 (Comm. on the Judiciary) and No. 96-322 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- May 2, considered and passed Senate.
- June 25, 26, H.R. 1046 considered and passed House; passage vacated and S. 237, amended, passed in lieu.
- Sept. 20, Senate agreed to conference report.
- Sept. 28, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 41:
- Oct. 10, Presidential statement.

Public Law 96-83
96th Congress

An Act

Oct. 10, 1979
[S. 756]

To amend the Office of Federal Procurement Policy Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Office of Federal Procurement Policy Act Amendments of 1979.

SHORT TITLE; REFERENCE

41 USC 401 note.

SECTION 1. (a) This Act may be cited as the "Office of Federal Procurement Policy Act Amendments of 1979".

41 USC 401 note.

(b) As used in this Act, the term "the Act" means the Office of Federal Procurement Policy Act.

DECLARATION OF POLICY

SEC. 2. Strike Section 2 of the Act (41 U.S.C. 401) and insert in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. It is declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of property and services by and for the executive branch of the Federal Government by—

"(1) promoting the use of full and open competition in the procurement of products and services;

"(2) establishing policies, procedures, and practices which will require the Government to acquire property and services of the requisite quality and within the time needed at the lowest reasonable cost;

"(3) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel, and eliminating fraud and waste in the procurement process;

"(4) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

"(5) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

"(6) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

"(7) achieving greater uniformity and simplicity, whenever appropriate, in procurement procedures;

"(8) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operation;

"(9) coordinating procurement policies and programs of the several departments and agencies;

"(10) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

"(11) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government; and

"(12) promoting fair dealing and equitable relationships among the parties in Government contracting.".

DEFINITION

41 USC 403.

SEC. 3. Section 4 of the Act (41 U.S.C. 404) is amended by inserting "(a)" immediately after "SEC. 4." and by inserting at the end of such section the following new subsection:

"(b) As used in this Act, the term 'procurement' includes all stages of the acquisition process, beginning with the process for determining a need for property and services through to the Federal Government's disposition of such property and services.".

AUTHORITY AND FUNCTIONS

SEC. 4. (a) Section 6(a) of the Act (41 U.S.C. 405(a)) is amended to read as follows:

Uniform procurement system.
41 USC 407.

"SEC. 6. (a) The Administrator shall provide overall leadership in the development and implementation of procurement policies and the coordination of programs to improve the quality and performance of procurement personnel. The Administrator shall develop for submission under section 8(a) a uniform procurement system which shall, to the extent he considers appropriate and with due regard to the program activities of the executive agencies, include uniform policies, regulations, procedures, and forms to be followed by executive agencies—

"(1) in the procurement of—

"(A) property other than real property in being;

"(B) services, including research and development; and

"(C) construction, alteration, repair, or maintenance of real property; and

"(2) in providing for procurement by recipients of Federal grants or assistance of items specified in clauses (1)(A), (1)(B), and (1)(C) of this subsection, to the extent required for performance of Federal grant or assistance programs.".

(b) Section 6(c) of the Act (41 U.S.C. 405(c)) is amended to read as follows:

Central management system.

"(c) The Administrator shall develop and propose a central management system consisting of the Office of Management and Budget, the General Services Administration, and procurement offices in executive agencies to implement and enforce the uniform procurement system described in subsection (a) of this section.".

(c) Section 6(d) of the Act (41 U.S.C. 405(d)) is amended to read as follows:

"(d) The functions of the Administrator shall include—

"(1) reviewing the recommendations of the Commission on Government Procurement to determine those recommendations that should be completed, amended, or rejected, and to propose the priority and schedules for completing the remaining recommendations;

"(2) developing a system of simplified and uniform procurement policies, regulations, procedures, and forms;

"(3) establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms;

"(4) promoting and conducting research in procurement policies, regulations, procedures, and forms, through the Federal Acquisition Institute, which shall be located within the Office and directed by the Administrator;

"(5) establish, through the Federal Procurement Data Center, which shall be located in the General Services Administration and acting as executive agent for the Administrator, a computer-based information system for collecting, developing, and disseminating procurement data which takes into account the needs of the Congress, the executive branch, and the private sector;

"(6) recommending and promoting, through the Federal Acquisition Institute, programs of the Office of Personnel Management and executive agencies for recruitment, training, career development, and performance evaluation of procurement personnel;

41 USC 407.

"(7) developing, for inclusion in the uniform procurement system to be submitted under section 8(a), standard contracts and contract language in order to reduce the Government's cost of procuring goods and services as well as the private sector's cost of doing business with the Government; and

"(8) providing leadership and coordination in the formulation of executive branch positions on legislation relating to procurement.".

(d) Section 6(e) of the Act (41 U.S.C. 405(e)) is amended to read as follows:

Consultation with executive agencies.

"(e) In the development and implementation of the uniform procurement system the Administrator shall consult with the executive agencies affected, including the Small Business Administration and other executive agencies promulgating policies, regulations, procedures and forms affecting procurement. To the extent feasible, the Administrator may designate an executive agency or agencies, establish interagency committees, or otherwise use agency representatives or personnel to solicit the views and the agreement, so far as possible, of executive agencies affected on significant changes in policies, regulations, procedures and forms.".

(e) Section 6 of the Act (41 U.S.C. 405) is further amended by inserting at the end thereof the following new subsections:

"(h)(1) Until the effective date of legislation implementing a uniform procurement system, the Administrator may, with the concurrence of the Director of the Office of Management and Budget, issue policy directives, in accordance with existing law, for the purpose of promoting the development and implementation of the uniform procurement system or for the purpose of promoting the policies set forth in paragraphs (1) through (8) of section 2 of this Act. Such policy directives shall be followed by executive agencies.

"(2) Any policy directives issued pursuant to paragraph (1) may require executive agencies to issue implementing regulations which shall be in accord with the criteria and standards set forth in such policy directives.

Regulations, denial or rescission of promulgation.

"(i) Until the effective date of legislation implementing a uniform procurement system, the Director of the Office of Management and Budget shall deny or rescind the promulgation of any final rule or regulation of any executive agency relating to procurement if the Director determines that such rule or regulation is inconsistent with the policies set forth in paragraphs (1) through (8) of section 2 of this Act or is inconsistent with any policy directives issued pursuant to subsection (h).

"(j) Nothing in this Act shall be construed—

"(1) to impair or affect the authorities or responsibilities conferred by the Federal Property and Administrative Services Act of 1949 with respect to the procurement of automatic data processing and telecommunications equipment and services or of real property; or

40 USC 471 note.

"(2) to limit the current authorities and responsibilities of the Director of the Office of Management and Budget.".

RESPONSIVENESS TO CONGRESS

SEC. 5. (a) Section 8(a) of the Act (41 U.S.C. 407(a)) is amended to read as follows:

"SEC. 8. (a)(1) The Administrator shall keep the Congress and its duly authorized committees fully and currently informed of the major activities of the Office of Federal Procurement Policy, and shall submit a report thereon to the House of Representatives and the Senate annually and at such other times as may be necessary for this purpose.

Report to Congress.

"(2) At the earliest practicable date, but in no event later than one year after the date of enactment of the Office of Federal Procurement Policy Act Amendments of 1979, the Administrator shall transmit to the House of Representatives and the Senate his proposal for a uniform procurement system. Such proposal shall include a full description of the proposed system, projected costs and benefits of the system as proposed, and short- and long-term plans for implementation of the system, including schedules for implementation. At the same time, the Administrator shall transmit a report on the recommendations of the Commission on Government Procurement specified in section 6(d)(1) of this Act.

Uniform procurement system proposal, transmittal to Congress.

"(3) At the earliest practicable date, but in no event later than one year after presentation of the proposal described in paragraph (2) of this subsection, the Administrator shall propose to the House of Representatives and the Senate recommended changes in legislation relating to procurement by executive agencies. If the Administrator deems it necessary, these recommendations shall include a proposal for a consolidated statutory base for procurement by executive agencies.

Executive agencies' procurement proposal, transmittal to Congress.

"(4) At the earliest practicable date, but in no event later than the submission of the legislative recommendations described in paragraph (3) of this subsection, the Administrator shall present a proposal for a management system described in section 6(c) to implement and enforce the uniform procurement system.".

Management system proposal.

(b) Section 8 of the Act (41 U.S.C. 407) is further amended—

(1) by striking out "any major policy or regulation prescribed under section 6(a)" in subsection (b) and inserting in lieu thereof "any policy prescribed under section 6(h)";

41 USC 405.

(2) by striking "or regulation" each place it appears in such subsection; and

(3) by striking out "any major policy or regulation" in subsection (c) and inserting in lieu thereof "any policy".

EFFECT ON EXISTING REGULATIONS

SEC. 6. Section 10 of the Act (41 U.S.C. 409) is amended to read as follows:

"EFFECT ON EXISTING REGULATIONS

"SEC. 10. Procurement policies, regulations, procedures, or forms in effect as of the date of enactment of the Office of Federal Procurement Policy Act Amendments of 1979 shall continue in effect, as modified from time to time by the issuing offices on their own initiative or in response to policy directives issued under section 6(h) until repealed, amended, or superseded pursuant to the adoption of the uniform procurement system described in section 6 of this Act.".

41 USC 405.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. Section 11 of the Act (41 U.S.C. 410) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out the provisions of this Act, and for no other purpose, $4,000,000 for the fiscal year ending September 30, 1980, and for each of the three succeeding fiscal years; and one-third of the funds appropriated for any such fiscal year shall be made available to the Federal Acquisition Institute for the performance of its functions under this Act."; and

(2) by striking out "Government Operations" in the second sentence and inserting in lieu thereof "Governmental Affairs".

DELEGATION

SEC. 8. Section 12(a) of the Act (41 U.S.C. 411(a)) is amended by striking out "direction of Federal procurement policy and to prescribe policies and regulations to carry out that policy" and by inserting in lieu thereof "leadership in the development of Federal procurement policy".

ACCESS TO INFORMATION

SEC. 9. Section 14(b) of the Act (41 U.S.C. 412(b)) is amended by striking out "establishing" and inserting in lieu thereof "developing".

CONFORMING AMENDMENTS

SEC. 10. (a) Sections 201(a)(1), 201(c), and 206(a)(4) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(1), 481(c), 487(a)(4)) are each amended by striking out "subject to regulations" and inserting in lieu thereof "subject to policy directives".

(b) Section 602(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(c)) is amended by striking out "except as otherwise provided by the Office of Federal Procurement Policy Act, and".

41 USC 401 note.

EFFECT ON OTHER LAW

41 USC 405a note.

92 Stat. 1771.

SEC. 11. The provisions of the Act as amended by this Act shall supersede the provisions of section 222 of the Act of October 24, 1978, entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958" (41 U.S.C. 405a) to the extent they are inconsistent therewith.

EFFECTIVE DATE

41 USC 401 note.

SEC. 12. Except to the extent otherwise provided therein, the amendments made by this Act shall take effect on October 1, 1979.

Approved October 10, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-178 accompanying H.R. 3763 (Comm. on Government Operations).
SENATE REPORT No. 96-144 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 21, considered and passed Senate.
  Sept. 10, H.R. 3763 considered and passed House; passage vacated and S. 756, amended, passed in lieu.
  Sept. 27, Senate concurred in House amendments with amendments.
  Sept. 28, House agreed to Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 41:
  Oct. 10, Presidential statement.

Public Law 96-84
96th Congress

An Act

To amend the Unemployment Compensation Amendments of 1976 with respect to the National Commission on Unemployment Compensation, and for other purposes.

Oct. 10, 1979
[H.R. 3920]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Unemployment Compensation Amendments of 1976, amendment.

SECTION 1. PAY OF MEMBERS OF THE NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION.

(a) General Rule.—Paragraph (1) of section 411(e) of the Unemployment Compensation Amendments of 1976 (relating to pay and travel expenses) is amended to read as follows:

26 USC 3304 note.

"(1) Pay.—

"(A) In general.—Members of the Commission who are not full-time officers or employees of the United States shall be paid compensation at a rate not to exceed the per diem equivalent of the rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which they are engaged in the performance of services for the Commission.

5 USC 5332 note.

"(B) Officers or employees of the United States.—Except as provided in paragraph (2), members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission."

(b) Technical Amendment.—Paragraph (2) of such section 411(e) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

26 USC 3304 note.

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1979, and shall apply with respect to services performed on or after March 1, 1978.

26 USC 3304 note.

SEC. 2. SUBMISSION OF REPORTS BY THE NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION.

(a) Interim Reports.—Subsection (f) of section 411 of the Unemployment Compensation Amendments of 1976 (relating to interim report) is amended to read as follows:

26 USC 3304 note.

"(f) Interim Reports.—The Commission shall, from time to time, transmit to the President and the Congress such interim reports as the Commission deems appropriate.".

Transmittal to President and Congress.

(b) Final Report.—Subsection (g) of such section 411 (relating to final report) is amended by striking out "July 1, 1979" and inserting in lieu thereof "July 1, 1980".

26 USC 3304 note.

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SEC. 3. EXEMPTION OF NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION FROM REQUIREMENTS FOR OFFICE OF MANAGEMENT AND BUDGET CLEARANCE.

26 USC 3304 note.

(a) Exemption From Clearance Requirements.—Section 411 of the Unemployment Compensation Amendments of 1976 is amended by adding at the end thereof the following new subsection:

"(j) Exemption From Requirements for Office of Management and Budget Clearance.—

44 USC 3501 *et seq.*

"(1) Federal reports act.—The requirements of chapter 35 of title 44, United States Code, shall not apply to the Commission.

"(2) Reports to congress.—Any reports submitted to the Congress by the Commission shall be submitted directly to the Congress and shall not be subject to any requirements for clearance of reports by the Office of Management and Budget.".

26 USC 3304 note.

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. EXCLUSION OF CERTAIN ALIEN FARMWORKERS.

26 USC 3306.

(a) General Rule.—Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1954 (relating to agricultural labor) is amended by striking out "January 1, 1980" and inserting in lieu thereof "January 1, 1982".

(b) Labor Performed by Aliens Taken Into Account for Determining Whether Other Agricultural Labor Is Covered.—Subparagraph (A) of section 3306(c)(1) of such Code is amended by striking out "not taking into account labor performed before January 1, 1980, by" each place it appears and inserting in lieu thereof "including labor performed by".

26 USC 3306 note.

(c) Effective Date.—The amendments made by this section shall apply to remuneration paid after December 31, 1979, for services performed after such date.

Approved October 10, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-237 (Comm. on Ways and Means).
SENATE REPORT No. 96-327 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 25, considered and passed House.
Sept. 27, considered and passed Senate.

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Public Law 96-85
96th Congress

An Act

To amend the International Travel Act of 1961 to authorize additional appropriations, and for other purposes.

Oct. 10, 1979
[S. 233]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of the International Travel Act of 1961, as amended (22 U.S.C. 2126) is amended by striking out "and" immediately after "1978;", and inserting immediately before the period at the end thereof the following: "; and (8) $8,000,000 for the fiscal year ending September 30, 1980".

International Travel Act of 1961, amendment.

Sec. 2. The International Travel Act of 1961, as amended (22 U.S.C. 2121 et seq.) is further amended by adding at the end thereof the following new section:

"Sec. 9. The Secretary shall reduce the number of employees of the United States Travel Service in the offices of such Service in the District of Columbia, in order that the total number of such employees as of September 1, 1979, and thereafter, does not exceed 40 per centum of the total number of such employees as of December 31, 1978.".

U.S. Travel Service, personnel reduction.
22 USC 2128.

Approved October 10, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-146, accompanying H.R. 2795 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-8 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Mar. 8, considered and passed Senate.
Sept. 28, H.R. 2795 considered and passed House; passage vacated and S. 233 passed in lieu.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 41:
Oct. 10, Presidential statement.

Public Law 96-86
96th Congress

Joint Resolution

Oct. 12, 1979
[H.J. Res. 412]

Making continuing appropriations for the fiscal year 1980, and for other purposes.

Continuing appropriations, 1980.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1980, and for other purposes, namely:

Sec. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1979 and for which appropriations, funds or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1980;

District of Columbia Appropriation Act, 1980;

Foreign Assistance and Related Programs Appropriations Act, 1980, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended;

22 USC 2412.
22 USC 2680.

Department of the Interior and Related Agencies Appropriation Act, 1980; and

Military Construction Appropriation Act, 1980.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1979, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1979, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House as of October 1, 1979, or where an item is included in only one version of an Act as passed by both Houses as of October 1, 1979, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1979: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1979, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall

have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in fiscal year 1979 for which provision was made in the Department of Defense Appropriation Act, 1979, at a rate of operations not in excess of the current rate or the rate provided in the budget estimate, whichever is lower, and under the more restrictive authority.

92 Stat. 1231.

(c) Notwithstanding the provisions of sections 102 and 106 of this joint resolution, such amounts as may be necessary for continuing projects and activities to the extent and in the manner as provided in H.R. 4390, entitled the Legislative Branch Appropriation Act, 1980, as reported June 7, 1979 (except as to executive salaries which are covered subsequently) and such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates, as amended, for fiscal year 1980.

Executive employees.
5 USC 5318 note.

For the fiscal year 1980, funds available for payment to executive employees, which includes Members of Congress, who under existing law are entitled to approximately 12.9 percent increase in pay, shall not be used to pay any such employee or elected or appointed official any sum in excess of 5.5 percent increase in existing pay and such sum if accepted shall be in lieu of the 12.9 percent due for such fiscal year.

5 USC 5318 note.
5 USC 5301 note.
5 USC 5312 note.
92 Stat. 788.

Provided, further, That for the purpose of carrying out this provision and notwithstanding the provisions of the Federal Pay Comparability Act of 1970, the Executive Salary Cost-Of-Living Adjustment Act, or any other related provision of law, which would provide an approximate 12.9 percent increase in pay for certain Federal officials for pay periods beginning on or after October 1, 1979, and notwithstanding section 102 of this joint resolution, the provisions of section 304 of the Legislative Branch Appropriation Act, 1979, which limit the pay for certain Federal offices and positions, shall apply to funds appropriated by this joint resolution or any Act for the fiscal year 1980, except that in applying such limitation the term "at a rate which exceeds by more than 5.5 percent the rate" shall be substituted for the term "at a rate which exceeds the rate" where it appears in subsection (a) of such section for the purpose of limiting pay increases to 5.5 percent.

USC prec. title 1.
Judicial appointments, civil action.

Any additional payment under existing law is not to be construed as an increase in salary or emoluments within the meaning of Article I, section 6, clause 2 of the Constitution, except that:

(1) Any Member of Congress, whether he voted to confirm or not to confirm the appointment of any judge appointed during the 96th Congress to the United States Court of Appeals for the District of Columbia, or whether he abstained from, or was not present for such vote, may bring a civil action in the United States District Court for the District of Columbia or in any United States District Court in the State he represents to contest the constitutionality of the appointment and continuance in office of said Circuit Judge on the ground that such appointment and continuance in office is in violation of Article I, section 6, clause 2 of the Constitution;

(2) The designated United States District Courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office;

Appeal.

(3) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court; and

(4) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

For purposes of this subsection, H.R. 4390, as reported June 7, 1979, shall be treated as appropriating $11,000,000 under the headings "OFFICE OF TECHNOLOGY ASSESSMENT," "SALARIES AND EXPENSES"; $200,300,000 under the headings "GENERAL ACCOUNTING OFFICE", "SALARIES AND EXPENSES"; and $50,707,000 under headings "JOINT ITEMS", "OFFICIAL MAIL COSTS".

No funds contained in this section shall be used to remodel the gallery in Statuary Hall in the Capitol into carrels or into any other structure constituting additional office or work space for Members of Congress.

(d) Such amounts as may be necessary for fiscal year 1980 for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to carry out the breeder reactor demonstration project or project alternative approved by Congress in authorizing legislation, and for no other purpose, at the current rate of operations notwithstanding the provisions of sections 102 and 106 of this joint resolution.

(e) Such amounts as may be necessary for continuing the following activities, not otherwise provided for, which were conducted in fiscal year 1979, but at a rate for operations not in excess of the current rate:

42 USC 4951 note.

activities under the Domestic Volunteer Service Act;

42 USC 241.

activities for support of nursing research under section 301 of the Public Health Service Act;

42 USC 241, 242a, 289*l*-1.

activities for support of nursing fellowships and for support of training programs and program support related to alcoholism under sections 301, 303, and 472 of the Public Health Service Act;

42 USC 295g-9, 296, 300d, 300k-1, 300u.
42 USC 300k-1.

activities under section 789 and titles VIII, XII, XV, and XVII of the Public Health Service Act, except that activities under title XV of the Public Health Service Act shall be conducted at not to exceed an annual rate for obligations of $169,717,000;

42 USC 2689c, 2689h.

activities under sections 204 and 213 of the Community Mental Health Centers Act;

21 USC 1171.

activities under title IV of the Drug Abuse Office and Treatment Act;

42 USC 4571, 4585.

activities under titles III and V of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act;

22 USC 2601 note.

activities under section 2 of the Indochina Migration and Refugee Assistance Act;

activities of the National Board for the Promotion of Rifle Practice;

15 USC 57a.

activities of the Federal Trade Commission: *Provided*, That none of the funds made available by this joint resolution for the Federal Trade Commission may be used for the final promulgation of trade regulation rules authorized by section 18 of the Federal Trade Commission Act, as amended, nor to initiate any new activities;

42 USC 3701 note.

activities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that such activities shall be continued at a rate of operations not in excess of appropriations contained in the Department of Justice Appropriation Act, 1980, for the Office of Justice Assistance, Research, and Statistics; activities of the Economic Development Administration; and activities of the Regional Action Planning Commissions.

(f) Notwithstanding the funding rates provided for in section 101(a), activities of the Department of State for Migration and Refugee Assistance shall be funded at not to exceed an annual rate for obligations of $456,241,000, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10 of Public Law 91-672.

22 USC 2680.
22 USC 2412.

(g) Such amounts as may be necessary for projects or activities which were conducted in fiscal year 1979 and for which provision was made in the Department of Transportation and Related Agencies Appropriation Act, 1979, or chapter X of the Supplemental Appropriations Act, 1979, at a rate of operations not in excess of the current rate or the rate provided in the budget estimate, whichever is lower, and under the more restrictive authority: *Provided*, That the Panama Canal Commission is authorized to incur obligations at the rate of operations, and to the extent and in the manner provided for in H.R. 4440 as reported on June 13, 1979, to meet operational and capital requirements of the Panama Canal in conformance with applicable legislation and the Panama Canal Treaty of 1977, notwithstanding the provisions of section 106 of this joint resolution: *Provided further*, That the Interstate Commerce Commission is authorized to incur obligations for payments for directed rail service at the rate of operations and to the extent and manner provided for in H.R. 4440 as passed by the House of Representatives on September 18, 1979.

92 Stat. 435.
Ante, p. 119.

(h) Such amounts as may be necessary for the programs or activities of the Federal Inspector for the Alaska Gas Pipeline, at a rate of operations not in excess of 35 per centum of the fiscal year 1980 budget estimate.

(i) Such amounts as may be necessary for projects or activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1980 (H.R. 4394), at a rate of operations, and to the extent and in the manner, provided for in such Act as adopted by the House of Representatives on September 27, 1979, and the Senate on September 28, 1979, notwithstanding the provisions of section 106 of this joint resolution: *Provided*, That those programs in disagreement shall be funded at the lesser of the amounts originally approved by the House or Senate.

(j) Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Act, 1980 (H.R. 4389), at a rate of operations, and to the extent and in the manner, provided for in such Act as adopted by the House of Representatives on August 2, 1979, except as provided in section 118 of this joint resolution and notwithstanding the provisions of section 106 of this joint resolution.

Appropriations, conditions of availability.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1979, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 20, 1979, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1979.

SEC. 107. Any appropriation for the fiscal year 1980 required to be apportioned pursuant to section 665 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 665 of title 31, United States Code.

SEC. 108. None of the funds available to the Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil in fiscal year 1980 shall be available, except on a voluntary basis, for the acquisition of land or easements at or around the four lake projects in the Yazoo Basin, Mississippi, pending the submission to Congress of a plan for changing the curve by which the flow is regulated in line with the instructions contained on page 60 of the conference report accompanying H.R. 4388 and of alternative solutions for the protection of Coffeeville, Mississippi, and other properties affected by the flood control operation at the project.

SEC. 109. No provision in any appropriation Act for the fiscal year 1980 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 110. Appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

SEC. 111. Notwithstanding section 106 or any other provision of this joint resolution—

2 USC 61-1 note.

(a) effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Minnesota is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants;

(b) effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Texas is increased to that allowed Senators from States having a population of thirteen million but less that fifteen million, the population of said State having exceeded thirteen million inhabitants; 2 USC 61-1 note.

(c) effective with the fiscal year ending September 30, 1980, section 117 of the Second Supplemental Appropriations Act, 1976 (2 U.S.C. 61f-1a), is amended by striking out "$25,000" and inserting in lieu thereof "$92,000"; and

(d) effective October 1, 1979, the Sergeant at Arms and Doorkeeper of the Senate may appoint and fix the compensation of two Photostat operators at not to exceed $12,663 per annum each; six Assistant Mail operators at not to exceed $12,096 per annum each; a Requisition and Receiving Clerk at not to exceed $13,608 per annum; a Maintenance and Rental Clerk at not to exceed $13,608 per annum; a State office Repair Clerk at not to exceed $13,608 per annum; and two Auditors at not to exceed $14,931 per annum each.

Travel expenses.

SEC. 112. During the fiscal year ending on September 30, 1980, the total amount which may be obligated to travel and transportation of persons, and transportation of things, for officers and employees of the executive branch of the Government shall not exceed an amount which is $500,000,000 less than the total amount proposed therefor in the Budget of the United States Government for such fiscal year (as amended and supplemented), transmitted by the President under section 201 of the Budget and Accounting Act, 1921. The Director of the Office of Management and Budget shall allocate the reduction in such proposed total amount among the departments, agencies, and instrumentalities of the executive branch and shall report on such allocation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That in allocating the reduction in such proposed total amount among the departments, agencies, and instrumentalities of the executive branch, no reduction shall be made in funds for debt collection or supervision of loans, nor shall any department, agency or instrumentality be reduced by more than fifteen per centum of the amount proposed for each such department, agency or instrumentality in the Budget of the United States Government for such fiscal year (as amended and supplemented), transmitted by the President under section 201 of the Budget and Accounting Act, 1921.

31 USC 11.
Report to congressional committees.

SEC. 113. Funds available under the Department of Justice Appropriation Act, Fiscal Year 1979 (Public Law 95-431) for support of United States prisoners shall be available as follows: 92 Stat. 1025.

(a) The Attorney General is authorized to use the appropriation "Support of United States Prisoners" to enter into contracts or cooperative agreements to assist the government of any State, territory, or political subdivision thereof, for the necessary physical renovation, and the acquisition of equipment, supplies, services, or materials required to raise the level of conditions of confinement and facility services of any substandard facility which confines Federal detainees.

(b) This section shall apply only insofar as it is not inconsistent with section 4006 of title 18, United States Code.

(c) Authority provided by this section shall be available from September 26, 1979, and all obligations incurred in anticipation of the authority provided in this section are hereby ratified and confirmed if otherwise in conformance with the provisions of this section.

SEC. 114. Notwithstanding the provisions of the paragraph entitled "Capital Outlay" in title II of the District of Columbia Appropriation Act, 1978, providing for the expiration of certain authorizations and the lapse of certain funds for capital outlay projects, the authorization for the capital outlay project involving the construction of phase I of the downtown permanent campus of the University of the District of Columbia located north of Mount Vernon Square and the funds appropriated in connection therewith by the District of Columbia Appropriation Act, 1978, shall, subject to the last proviso of such paragraph, expire on September 30, 1980, unless funds have been obligated in whole or in part prior to such date.

Issuance of certificates.
45 USC 662.

SEC. 115. (a) Section 3(e) of Public Law 91-663 is amended by adding at the end thereof the following: "With respect to a railroad which filed a petition for reorganization during fiscal year 1978, during the period October 1, 1979, through November 30, 1979, certificates shall be issued without regard to the limitations of subsection (a) and with such priority in payment as the Secretary deems appropriate to secure repayment, for the purpose of continuing service on the railroad system at the level in effect on October 1, 1979."

49 USC 1654.

(b) Section 5(h)(2)(A) of Public Law 89-670, as amended, is further amended by striking "but has not yet" and inserting in lieu thereof "or has".

Funds, prohibition.

SEC. 116. None of the funds contained in this Act shall be used for the reorganization of the Alaska Railroad Office of the Chief Counsel, Office of Real Estate or Office of Financial Planning, or for the consolidation of those Offices into the Office of the Alaska Railroad General Manager.

SEC. 117. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Abortions.
Funds, prohibition.

SEC. 118. Notwithstanding any other provision of this joint resolution except section 102, none of the Federal funds provided by this joint resolution for the District of Columbia, Foreign Assistance and Related Programs, the Departments of Labor and Health, Education, and Welfare, or the Department of Defense shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service;

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Approved October 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-500 (Comm. on Appropriations) and No. 96-513 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Oct. 9, considered and passed House.
  Oct. 10, considered and passed Senate, amended.
  Oct. 12, House agreed to conference report, concurred in one Senate amendment and concurred with amendment in another; Senate agreed to conference report and concurred in House amendment.

Public Law 96-87
96th Congress

An Act

Oct. 12, 1979
[H.R. 5419]

To authorize the Secretary of the Interior to provide for the commemoration of the efforts of Goodloe Byron to protect the Appalachian Trail, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National parks and recreational lands.

TITLE I

Goodloe Byron. Commemoration of conservation efforts.

SEC. 101. Goodloe Byron, late a United States Representative from the State of Maryland, should be afforded appropriate recognition for his long and continuing interest in conservation, outdoor recreation, physical fitness, and the protection of the Nation's natural and scenic resources. Goodloe Byron took an early and leading interest in the protection of the Maryland segment of the Appalachian Trail as a member of the Senate of Maryland and continued his efforts to provide for the protection of the entire Appalachian Trail for public use and enjoyment during his service in the Congress of the United States. As a member of the National Scenic Trails Advisory Council, he encouraged recognition of the value of scenic trails as outdoor recreation resources attractive to all segments of the public.

SEC. 102. The Secretary of the Interior is authorized, in cooperation with the Appalachian Trail Conference and the State of Maryland, to design and erect at a suitable location along the Maryland segment of the Appalachian Trail an appropriate marker in commemoration of the outstanding contributions of Goodloe Byron toward the protection of the Appalachian Trail for the use and enjoyment of the American people in perpetuity.

TITLE II

Frederick Law Olmsted National Historic Site. Establishment.
16 USC 461 note.

SEC. 201. (a) In order to preserve and interpret for the benefit, inspiration, and education of present and future generations the home and office of Frederick Law Olmsted, the great American landscape architect and designer, there is hereby established the Frederick Law Olmsted National Historic Site (hereinafter referred to as the "Site").

(b) The Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the property comprising the former home and office of Frederick Law Olmsted at 99-101 Warren Street, Brookline, Massachusetts, together with such adjacent lands and interests therein as the Secretary deems necessary, for establishment of the Site. The Secretary may also acquire for the purposes of the Site all or any portion of the documents, equipment, drawings, and other materials comprising the Olmsted archival collection.

(c) It is the express intent of the Congress that the Secretary should substantially complete the acquisition program authorized by this Act within two years after the date of its enactment.

Administration.

SEC. 202. (a) The Secretary shall administer the property, Site, including personal property comprising the archival collection, acquired for the purposes of this Act in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

16 USC 461.

(b) The Secretary is authorized to enter into a cooperative agreement with an appropriate entity for the management of the archival collection acquired for the purposes of this Act.

General management plan, submittal to congressional committees.

(c) Within three years of the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the Site pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended. Within six months of the date of enactment of this Act, the Secretary shall submit a written report to the same committees relating the state of progress of his acquisition and provisions for management and permanent protection of the archival collection. He shall submit a similar report within one year of the date of enactment of this Act to the same committees indicating the final management and protection arrangements he has concluded for such collection.

16 USC 1a-7. Report to congressional committees.

SEC. 203. (a) Effective October 1, 1979, there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary for the acquisition of lands and interests therein.

Appropriation authorization.

(b) There is hereby authorized to be appropriated, effective October 1, 1979, an amount not to exceed $514,000 for the acquisition of the archival collection; an amount not to exceed $200,000 for development; and an amount not to exceed $1,230,000 for the preservation of the archival collection.

TITLE III

Chief Turkey Tayac, burial in Oxon Hill, Md.

SEC. 301. Notwithstanding any other provision of law, the Secretary shall permit the late Chief Turkey Tayac to be buried in the ossuary at Piscataway Park in Oxon Hill, Maryland. The Secretary shall select the site in such ossuary at which Chief Tayac may be buried. No Federal funds may be used for the burial of Chief Tayac except such funds as may be necessary for the maintenance of the burial site by the Department of the Interior.

TITLE IV

National Park System. 16 USC 1 note.

SEC. 401. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:

92 Stat. 3471. 16 USC 450dd note.

(a) Section 101(8), re: DeSoto National Memorial, is amended by changing the phrase "changing '$3,108,000' to '$5,108,000'." to read "by changing '$175,000' to '$292,000'."

92 Stat. 3472.

(b) Section 101(20), re: Pecos National Monument, is amended by changing "$2,375,000" to "$2,575,000".

92 Stat. 3473.

(c) Section 301, re: revision of boundaries, is amended by changing the words "but not exceed" in the first sentence to "but not to exceed".

Publication in Federal Register.

(d) Section 301(8), re: Great Sand Dunes National Monument, is amended by (1) changing "one thousand one hundred and nine acres" to "one thousand nine hundred acres" and by changing "$166,000" to "$265,000"; and (2) by adding the following at the end thereof: "The Secretary shall designate the lands described by this paragraph for management in accordance with the adjacent lands within the monument by publication of a notice in the Federal Register.".

92 Stat. 3476.

(e) Section 302 is amended at the end thereof by changing "section 301" to "title III of this Act".

92 Stat. 3477.

(f) Section 309(b), re: Fort Union Trading Post National Historic Site, is amended by changing "this Act" in the proviso to "the National Parks and Recreation Act of 1978".

92 Stat. 3483.
16 USC 460ff-1.

(g) Section 315(a), re: Cuyahoga Valley National Recreation Area, is amended by changing "90,001-A" to "655-90,001-A".

92 Stat. 3491.

(h) Section 501(a), re: Guam National Seashore, is amended in clause (1) by changing "Anac" to "Anae".

92 Stat. 3499.
16 USC 396d.

(i) Section 505(f)(1), re: Kaloko-Honokohau National Historic Park, is amended by striking "Kaloko-Honokohau" the first time it appears in the subsection.

92 Stat. 3501.
16 USC 460kk.

(j) Section 507(f), re: Santa Monica Mountains National Recreation Area, is amended by changing "January 1, 1976" to "January 1, 1978".

92 Stat. 3507.
16 USC 461 note.

(k) Section 508(d), re: Ebey's Landing National Historical Reserve, is amended by changing "with donated funds" in the first sentence to "with donated or appropriated funds".

92 Stat. 3510.
16 USC 461 note.

(l) Section 511(b), re: Maggie L. Walker National Historic Site, is amended by changing "at 113 East Leigh Street" to "at 110 A East Leigh Street".

(m) Section 551, re: the National Trails System Act, is amended by—

92 Stat. 3514.
16 USC 1244.
92 Stat. 3516.
16 USC 1246.

(1) in paragraph (13), change "(20)" to "(23)";

(2) in paragraph (18), insert quotation marks at the beginning and end of the second sentence; and

(3) in paragraph (21), insert quotation marks at the beginning and end of the second sentence.

92 Stat. 3517.

(n) Section 601(a), re: Yellowstone National Park, is amended by changing "State of Wyoming" to "States of Wyoming and Montana".

92 Stat. 3521.
16 USC 431 note.

(o) Section 612, re: Albert Einstein Memorial, is amended by changing "access" in the second sentence to "purposes of such memorial".

92 Stat. 3523.
16 USC 1274.
16 USC 1274 note.

(p) Section 704, re: Upper Delaware River, is amended (1) in subsection (a) by changing "705(c)" to "704(c)"; and (2) in subsection (f)(1) by inserting the following sentence at the end thereof: "The Advisory Council shall terminate ten years after the date on which it is established.".

(q) Title IX, re: Jean Lafitte National Historical Park, is amended—

92 Stat. 3535.
16 USC 230a.
92 Stat. 3536.
16 USC 230c.
92 Stat. 3537.
16 USC 230f.

(1) in section 902(a) by changing "eight thousand acres" in the first sentence to "eight thousand six hundred acres";

(2) in section 904 by changing "section 7" in the first sentence to "section 907";

(3) in section 907(a) by striking the word "and" at the end of the clause numbered (6), changing the period at the end of the clause numbered (7) to "; and", and adding at the end thereof the following:

"(8) two members appointed by the Secretary from recommendations submitted by the Police Jury of Saint Bernard Parish."; and

(4) in section 907(e) by inserting the following sentence at the end thereof: "The Commission shall terminate ten years from the date of approval of this Act.".

16 USC 460l-6b.

SEC. 402. Notwithstanding any other provision of law, the Secretary shall not charge any entrance or admission fee in excess of the amounts which were in effect as of January 1, 1979, or charge said fees at any unit of the National Park System where such fees were not in effect as of such date, nor shall the Secretary charge after the date of enactment of this section, user fees for transportation services and facilities in Mount McKinley National Park, Alaska.

83 Stat. 274.
16 USC 461 note.

Sec. 403. Section 3 of the Act of December 2, 1969 (83 Stat. 279), is amended by changing "180,000" to "680,000".

Sec. 404. The Wild and Scenic Rivers Act of 1968 (82 Stat. 906), as amended (16 U.S.C. 1271), is further amended as follows:

16 USC 1276.

(a) In section 5(b), in paragraph numbered (3), change "(72)" to "(75)";

(b) In section 5(b), in paragraph numbered (4), change "(74)" to "(75)".

Approved October 12, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
- Sept. 27, considered and passed House.
- Oct. 1, considered and passed Senate, amended.
- Oct. 9, House concurred in certain Senate amendments and in another with an amendment.
- Oct. 11, Senate concurred in House amendment.

Public Law 96-88
96th Congress

An Act

Oct. 17, 1979
[S. 210]

To establish a Department of Education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Education Organization Act.

SHORT TITLE; TABLE OF CONTENTS

20 USC 3401 note.

SECTION 1. This Act may be cited as the "Department of Education Organization Act".

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TITLE I—GENERAL PROVISIONS

FINDINGS

SEC. 101. The Congress finds that— 20 USC 3401.

(1) education is fundamental to the development of individual citizens and the progress of the Nation;

(2) there is a continuing need to ensure equal access for all Americans to educational opportunities of a high quality, and such educational opportunities should not be denied because of race, creed, color, national origin, or sex;

(3) parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role;

(4) in our Federal system, the primary public responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(5) the American people benefit from a diversity of educational settings, including public and private schools, libraries, museums and other institutions, the workplace, the community, and the home;

(6) the importance of education is increasing as new technologies and alternative approaches to traditional education are considered, as society becomes more complex, and as equal opportunities in education and employment are promoted;

(7) there is a need for improvement in the management and coordination of Federal education programs to support more

effectively State, local, and private institutions, students, and parents in carrying out their educational responsibilities;

(8) the dispersion of education programs across a large number of Federal agencies has led to fragmented, duplicative, and often inconsistent Federal policies relating to education;

(9) Presidential and public consideration of issues relating to Federal education programs is hindered by the present organizational position of education programs in the executive branch of the Government; and

(10) there is no single, full-time, Federal education official directly accountable to the President, the Congress, and the people.

PURPOSES

20 USC 3402.

SEC. 102. The Congress declares that the establishment of a Department of Education is in the public interest, will promote the general welfare of the United States, will help ensure that education issues receive proper treatment at the Federal level, and will enable the Federal Government to coordinate its education activities more effectively. Therefore, the purposes of this Act are—

(1) to strengthen the Federal commitment to ensuring access to equal educational opportunity for every individual;

(2) to supplement and complement the efforts of States, the local school systems and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education;

(3) to encourage the increased involvement of the public, parents, and students in Federal education programs;

(4) to promote improvements in the quality and usefulness of education through federally supported research, evaluation, and sharing of information;

(5) to improve the coordination of Federal education programs;

(6) to improve the management and efficiency of Federal education activities, especially with respect to the process, procedures, and administrative structures for the dispersal of Federal funds, as well as the reduction of unnecessary and duplicative burdens and constraints, including unnecessary paperwork, on the recipients of Federal funds; and

(7) to increase the accountability of Federal education programs to the President, the Congress, and the public.

FEDERAL-STATE RELATIONSHIPS

20 USC 3403.

SEC. 103. (a) It is the intention of the Congress in the establishment of the Department to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies. The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the States.

(b) No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

(c) The Secretary shall not, during the period within eight months after the effective date of this Act, take any action to withhold, suspend, or terminate funds under any program transferred by this Act by reason of the failure of any State to comply with any applicable law requiring the administration of such a program through a single organizational unit.

DEFINITIONS

SEC. 104. As used in this Act, unless otherwise provided or indicated by the context-- 20 USC 3404.

(1) the term "Department" means the Department of Education or any component thereof;

(2) the term "Secretary" means the Secretary of Education;

(3) the term "Under Secretary" means the Under Secretary of Education;

(4) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(5) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

(6) the terms "private" and "private educational" refer to independent, nonpublic, and private institutions of elementary, secondary, and postsecondary education; and

(7) the term "office" includes any office, institute, council, unit, organizational entity, or component thereof.

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. There is established an executive department to be known as the Department of Education. The Department shall be administered, in accordance with the provisions of this Act, under the supervision and direction of a Secretary of Education. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate. 20 USC 3411.

Secretary of Education, appointment and confirmation.

PRINCIPAL OFFICERS

SEC. 202. (a)(1) There shall be in the Department an Under Secretary of Education who shall be appointed by the President, by and with the advice and consent of the Senate. During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Under Secretary shall act as Secretary. The Secretary shall designate the order in which other officials of the Department shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Under Secretary or in the event of vacancies in both of those offices.

Under Secretary, appointment and confirmation. 20 USC 3412.

(2)(A) The Under Secretary shall have responsibility for the conduct of intergovernmental relations of the Department, including assuring (i) that the Department carries out its functions in a manner which supplements and complements the education policies, programs, and procedures of the States and the local school systems and other instrumentalities of the States, and (ii) that appropriate officials of the Department consult with individuals responsible for making policy relating to education in the States and the local school systems and other instrumentalities of the States concerning differences over education policies, programs, and procedures and concerning the impact of the rules and regulations of the Department on the States and the local school systems and other instrumentalities of the States.

(B) Local education authorities may inform the Under Secretary of any rules or regulations of the Department which are in conflict with another rule or regulation issued by any other Federal department or agency or with any other office of the Department. If the Under Secretary determines, after consultation with the appropriate Federal department or agency, that such a conflict does exist, the Under Secretary shall report such conflict or conflicts to the appropriate Federal department or agency together with recommendations for the correction of the conflict.

(b)(1) There shall be in the Department—

(A) an Assistant Secretary for Elementary and Secondary Education;

(B) an Assistant Secretary for Postsecondary Education;

(C) an Assistant Secretary for Vocational and Adult Education;

(D) an Assistant Secretary for Special Education and Rehabilitative Services;

(E) an Assistant Secretary for Educational Research and Improvement;

(F) an Assistant Secretary for Civil Rights; and

(G) a General Counsel.

Assistant Secretaries and General Counsel, appointment and confirmation.

(2) Each of the Assistant Secretaries and the General Counsel shall be appointed by the President, by and with the advice and consent of the Senate.

Inspector General, appointment.
92 Stat. 1101.
5 USC app.
Post, p. 692.

(c) There shall be in the Department an Inspector General appointed in accordance with the Inspector General Act of 1978 (as amended by section 508(n) of this Act).

Additional officers, appointment and confirmation.
Functions.

(d) There shall be in the Department four additional officers who shall be appointed by the President, by and with the advice and consent of the Senate. The officers appointed under this subsection shall perform such functions as the Secretary shall prescribe, including—

(1) congressional relations functions;

(2) public information functions, including the provision, through the use of the latest technologies, of useful information about education and related opportunities to students, parents, and communities;

(3) functions related to monitoring parental and public participation in programs where such participation is required by law, and encouraging the involvement of parents, students, and the public in the development and implementation of departmental programs;

(4) management and budget functions;

(5) planning, evaluation, and policy development functions, including development of policies to promote the efficient and coordinated administration of the Department and its programs and to encourage improvements in education; and

(6) functions related to encouraging and promoting the study of foreign languages and the study of cultures of other countries at the elementary, secondary, and postsecondary levels.

(e) There shall be in the Department an Administrator of Education for Overseas Dependents.

(f) Whenever the President submits the name of an individual to the Senate for confirmation as an officer of the Department under this section, the President shall state the particular functions of the Department such individual will exercise upon taking office.

(g) Each officer of the Department established under this section shall report directly to the Secretary and shall, in addition to any functions vested in or required to be delegated to such officer, perform such additional functions as the Secretary may prescribe.

OFFICE FOR CIVIL RIGHTS

20 USC 3413.

SEC. 203. (a) There shall be in the Department an Office for Civil Rights, to be administered by the Assistant Secretary for Civil Rights appointed under section 202(b). Notwithstanding the provisions of section 412 of this Act, the Secretary shall delegate to the Assistant Secretary for Civil Rights all functions, other than administrative and support functions, transferred to the Secretary under section 301(a)(3).

Report to Secretary, President, and Congress.

(b)(1) The Assistant Secretary for Civil Rights shall make an annual report to the Secretary, the President, and the Congress summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems as to which such Office has made a recommendation for corrective action and as to which, in the judgment of the Assistant Secretary, adequate progress is not being made.

(2) Notwithstanding any other provision of law, the report required by paragraph (1) shall be transmitted to the Secretary, the President, and the Congress by the Assistant Secretary for Civil Rights without further clearance or approval. The Assistant Secretary shall provide copies of the report required by paragraph (1) to the Secretary sufficiently in advance of its submission to the President and the Congress to provide a reasonable opportunity for comments of the Secretary to be appended to the report.

(c) In addition to the authority otherwise provided under this section, the Assistant Secretary for Civil Rights, in carrying out the provisions of this section, is authorized—

(1) to collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights;

(2) to select, appoint, and employ such officers and employees, including staff attorneys, as may be necessary to carry out the functions of such Office, subject to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

5 USC 5101 *et seq.*
5 USC 5331.

(3) to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private organizations and persons, and to make such payments as may be necessary to carry out the compliance and enforcement functions of such Office; and

(4) notwithstanding any other provision of this Act, to obtain services as authorized by section 3109 of title 5, United States Code, at a rate not to exceed the equivalent daily rate payable for grade GS-18 of the General Schedule under section 5332 of such title.

5 USC 5332 note.

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

20 USC 3414.

SEC. 204. There shall be in the Department an Office of Elementary and Secondary Education, to be administered by the Assistant Secretary for Elementary and Secondary Education appointed under section 202(b). The Assistant Secretary shall administer such functions affecting elementary and secondary education, both public and private, as the Secretary shall delegate.

OFFICE OF POSTSECONDARY EDUCATION

20 USC 3415.

SEC. 205. There shall be in the Department an Office of Postsecondary Education, to be administered by the Assistant Secretary for Postsecondary Education appointed under section 202(b). The Assistant Secretary shall administer such functions affecting postsecondary education, both public and private, as the Secretary shall delegate, and shall serve as the principal adviser to the Secretary on matters affecting public and private postsecondary education.

OFFICE OF VOCATIONAL AND ADULT EDUCATION

20 USC 3416.

SEC. 206. There shall be in the Department an Office of Vocational and Adult Education, to be administered by the Assistant Secretary for Vocational and Adult Education appointed under section 202(b). The Assistant Secretary shall administer such functions affecting vocational and adult education as the Secretary shall delegate, and shall serve as principal adviser to the Secretary on matters affecting vocational and adult education. The Secretary, through the Assistant Secretary, shall also provide a unified approach to rural education and rural family education through the coordination of programs within the Department and shall work with the Federal Interagency Committee on Education to coordinate related activities and programs of other Federal departments and agencies.

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

20 USC 3417.

SEC. 207. There shall be in the Department an Office of Special Education and Rehabilitative Services, to be administered by the Assistant Secretary for Special Education and Rehabilitative Services appointed under section 202(b). Notwithstanding the provisions of section 412, the Secretary shall delegate to the Assistant Secretary all functions, other than administrative and support functions, transferred to the Secretary under sections 301(a)(1) (with respect to the bureau for the education and training of the handicapped), 301(a)(2)(H), and 301(a)(4).

OFFICE OF EDUCATION FOR OVERSEAS DEPENDENTS

20 USC 3418.

SEC. 208. There shall be in the Department an Office of Education for Overseas Dependents, to be administered by the Administrator of Education for Overseas Dependents appointed under section 202(e). Notwithstanding the provisions of section 412, the Secretary shall delegate to the Administrator all functions, other than administrative and support functions, transferred to the Secretary under section 302.

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

20 USC 3419.

SEC. 209. There shall be in the Department an Office of Educational Research and Improvement, to be administered by the Assistant

Secretary for Educational Research and Improvement appointed under section 202(b). The Assistant Secretary shall administer such functions concerning research, development, demonstration, dissemination, evaluation, and assessment activities as the Secretary shall delegate.

OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

20 USC 3420.

SEC. 210. There shall be in the Department an Office of Bilingual Education and Minority Languages Affairs, to be administered by a Director of Bilingual Education and Minority Languages Affairs, who shall be appointed by the Secretary. The Director shall coordinate the administration of bilingual education programs by the Department and shall consult with the Secretary concerning policy decisions affecting bilingual education and minority languages affairs. The Director shall report directly to the Secretary, and shall perform such additional functions as the Secretary may prescribe.

OFFICE OF GENERAL COUNSEL

20 USC 3421.

SEC. 211. There shall be in the Department an Office of General Counsel, to be administered by the General Counsel appointed under section 202(b). The General Counsel shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

OFFICE OF INSPECTOR GENERAL

20 USC 3422.

SEC. 212. There shall be in the Department an Office of Inspector General, established in accordance with the Inspector General Act of 1978 (as amended by section 508(n) of this Act).

92 Stat. 1101.
5 USC app.
Post, p. 692.

INTERGOVERNMENTAL ADVISORY COUNCIL ON EDUCATION

20 USC 3423.

SEC. 213. (a) There shall be in the Department an advisory committee to be known as the Intergovernmental Advisory Council on Education (hereafter referred in this section as the "Council"). The Council shall provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations relating to education.

Functions.

(b)(1) In carrying out its functions under subsection (a), the Council shall—

(A) provide a forum for representatives of Federal, State, and local governments and public and private educational entities to discuss educational issues;

(B) make recommendations for the improvement of the administration and operation of Federal education and education related programs;

(C) promote better intergovernmental relations;

Report to Secretary, President, and Congress.

(D) submit, biennially or more frequently (if determined necessary by the Council), a report to the Secretary, the President, and the Congress (i) reviewing the impact of Federal education activities upon State and local governments and public and private educational institutions, including an assessment of compliance with section 103 of this Act and of any change in the Federal role in education, and (ii) assessing both the extent to which Federal objectives are achieved and any adverse consequences of Federal actions.

Regulations review.

(2) In carrying out its functions under subsection (a), the Council may review existing and proposed rules or regulations of the Department concerning Federal education programs in order to determine

the impact or potential impact of such rules or regulations on State and local governments and public and private educational institutions. The Council may submit to the Secretary a report containing the results of its review of any existing or proposed rule or regulation. If a report by the Council concerns a proposed rule or regulation, it shall be submitted to the Secretary within the time established for public comment on the proposed rule or regulation, and shall be placed in the file of the proceeding concerning the proposed rule or regulation.

Report.

Members.

(c)(1) The Council shall be composed of twenty members, appointed by the President as follows:

(A) six elected State and local officials with general government responsibilities;

(B) five representatives of public and private elementary and secondary education, from among board members, chief education officials, administrators, and teachers;

(C) five representatives of public and private postsecondary education, from among board members, chief education officials, administrators, and professors; and

(D) four members of the public, including parents of students and students.

(2) In making appointments under this subsection, the President shall—

(A) consult with representatives of the groups specified in subparagraphs (A) through (D) of paragraph (1); and

(B) select individuals who represent a diversity of geographic areas and demographic characteristics.

(3) The Under Secretary shall be an ex officio member of the Council.

Terms of office.

(4) The term of office of a member of the Council shall be four years, except that—

(A) no member serving pursuant to paragraph (1)(A) of this subsection may serve on the Council beyond the period that such member holds an office qualifying such member for appointment under such paragraph; and

(B) the President shall divide the initial appointments to the Council into four groups of five members each for initial terms of one, two, three, and four years.

(5) The President shall designate one member to chair the Council.

(6) Any vacancy in the Council shall not affect its authority.

(d) The Council shall nominate and the Secretary shall appoint an executive director for the Council. The Secretary shall provide the Council with such other staff, facilities, services, and support as may be necessary to enable the Council to carry out its duties under this section.

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

20 USC 3424.

Sec. 214. (a) There is established a Federal Interagency Committee on Education (hereafter referred to in this section as the "Committee"). The Committee shall assist the Secretary in providing a mechanism to assure that the procedures and actions of the Department and other Federal departments and agencies are fully coordinated.

(b) The Committee shall study and make recommendations for assuring effective coordination of Federal programs, policies, and administrative practices affecting education, including—

(1) consistent administration and development of policies and practices among Federal agencies in the conduct of related programs;

(2) full and effective communication among Federal agencies to avoid unnecessary duplication of activities and repetitive collection of data;

(3) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this Act;

(4) coordination of related programs to assure that recipients of Federal assistance are efficiently and responsively served; and

(5) full and effective involvement and participation of students and parents in Federal education programs.

(c) The Committee shall be composed of the Secretary, who shall chair the Committee, and senior policy making officials from those Federal agencies, commissions, and boards that the President may find appropriate. Members.

(d) The Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Science and Technology Policy, and the Executive Director of the Domestic Policy Staff may each designate a staff member to attend meetings of the Committee.

(e) The Committee shall conduct a study concerning the progress, effectiveness, and accomplishments of Federal vocational education and training programs, and the need for improved coordination between all federally funded vocational education and training programs. The Committee shall report the findings of such study to the Secretary and the Congress within two years of the date of enactment of this Act. Study. Report to Secretary and Congress.

(f) The Committee shall meet at least twice each year. The Secretary may establish subcommittees of the Committee to facilitate coordination in important areas of Federal activity.

(g) The Secretary and the head of each agency represented on the Committee under subsection (c) shall furnish necessary assistance to the Committee.

TITLE III—TRANSFERS OF AGENCIES AND FUNCTIONS

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Sec. 301. (a) There are transferred to the Secretary— 20 USC 3441.

(1) all functions of the Assistant Secretary for Education and of the Commissioner of Education of the Department of Health, Education, and Welfare, and all functions of the Office of such Assistant Secretary and of the Education Division of the Department of Health, Education, and Welfare and of any officer or component of such Office or Division;

(2) all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare under—

(A) the General Education Provisions Act;

(B) the Elementary and Secondary Education Act of 1965;

(C) the Higher Education Act of 1965;

(D) the Education Amendments of 1978;

(E) the Act of August 30, 1890 (7 U.S.C. 321-328);

(F) the National Defense Education Act of 1958;

(G) the International Education Act of 1966;

(H) the Education of the Handicapped Act;

20 USC 1221.
20 USC 821 note.
20 USC 1001 note.
92 Stat. 2143.
20 USC 2701 note.
20 USC 401 note.
20 USC 1171 note.
20 USC 1401 note.

42 USC 2929.

(I) part B of title V of the Economic Opportunity Act of 1964;

20 USC 1501 note.

(J) the National Commission on Libraries and Information Science Act;

20 USC 2301 note.

(K) the Vocational Education Act of 1963;

20 USC 2601 note.

(L) the Career Education Incentive Act;

(M) laws relating to the relationship between (i) Gallaudet College, Howard University, the American Printing House for the Blind, and the National Technical Institute for the Deaf, and (ii) the Department of Health, Education, and Welfare;

D.C. Code 31-1051 note.

(N) the Model Secondary School for the Deaf Act;

47 USC 390.

(O) subpart A of part IV of title III of the Communications Act of 1934 with respect to the telecommunications demonstration program;

40 USC 484.

(P) section 203(k) of the Federal Property and Administrative Services Act of 1949 with respect to donations of surplus property for educational purposes; and

21 USC 1001 note.

(Q) the Alcohol and Drug Abuse Education Act;

(3) all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare with respect to or being administered by the Office for Civil Rights which relate to functions transferred by this section;

29 USC 701 note.

(4)(A) all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare under the Rehabilitation Act of 1973, except that the provisions of this subparagraph shall not be construed to transfer to the Secretary the functions of the Secretary of Health, Education, and Welfare under sections 222 and 1615 of the Social Security Act;

42 USC 422, 1382d.

(B) all functions with respect to or being administered by the Secretary of Health, Education, and Welfare through the Commissioner of Rehabilitation Services under the Act of June 20, 1936, commonly referred to as the Randolph-Sheppard Act (20 U.S.C. 107 et seq.);

(C) all functions of the Commissioner of Rehabilitation and the Director of the National Institute of Handicapped Research of the Department of Health, Education, and Welfare under the Rehabilitation Act of 1973;

(5) all functions of the Institute of Museum Services of the Department of Health, Education, and Welfare, and of the Director thereof;

(6) all functions of the Advisory Council on Education Statistics; and

(7) all functions of the Federal Education Data Acquisition Council.

(b) There are transferred to the Department—

(1) all offices in the Office of the Assistant Secretary for Education or in the Education Division of the Department of Health, Education, and Welfare;

(2) all offices in the Department of Health, Education, and Welfare established under the provisions of law listed in subparagraphs (A) through (Q) of subsection (a)(2);

(3) all offices in the Department of Health, Education, and Welfare established under the Rehabilitation Act of 1973;

(4) the Institute of Museum Services of the Department of Health, Education, and Welfare;

(5) the Advisory Council on Education Statistics;

(6) the Federal Education Data Acquisition Council; and

(7) any advisory committee of the Department of Health, Education, and Welfare giving advice or making recommendations that primarily concern education functions transferred by this section.

(c) There are transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, or the Commissioner of Education of the Department of Health, Education, and Welfare, as the case may be, with respect to—

(1) the Education Division of the Department of Health, Education, and Welfare;

(2) the Office of the Assistant Secretary for Education, including the National Center for Education Statistics; and

(3) any advisory committee in the Department of Health, Education, and Welfare giving advice and making recommendations principally concerning education functions transferred by this section.

(d) Nothing in the provisions of this section or in the provisions of this Act shall authorize the transfer of functions under part A of title V of the Economic Opportunity Act of 1964, relating to Project Head Start, from the Secretary of Health, Education, and Welfare to the Secretary. 42 USC 2928.

TRANSFERS FROM THE DEPARTMENT OF DEFENSE

SEC. 302. (a) Notwithstanding the provisions of section 601 of this Act, at such time not later than three years after the effective date of this Act, and in such manner, as the President may designate, there shall be transferred to the Secretary all functions of the Secretary of Defense and of the Department of Defense (or any officer or component thereof) relating to the operation of overseas schools for dependents of the Department of Defense and all functions of the Secretary of Defense and of the Department of Defense (or any officer or component thereof) under the Defense Dependents' Education Act of 1978. There shall be transferred to the Department the offices established by such Act. 20 USC 3442. 92 Stat. 2365. 20 USC 921.

(b) In addition to any other authority available to the Secretary under this or any other Act, the authority of the Secretary of Defense and the Secretaries of the military departments under the Defense Department Overseas Teachers Pay and Personnel Practices Act shall be available to the Secretary with respect to the functions transferred under subsection (a). 20 USC 901 note.

(c) Not later than one year after the effective date of this Act, the Secretary, after consultation with the Secretary of Defense, shall transmit to the Congress a plan for effecting the transfer of functions under this section and administering those functions. In designing the plan, the Secretary shall also consult with representatives of organizations of parents of students enrolled in overseas dependents' schools and representatives of professional employee organizations and administrators of such schools. The plan shall contain recommendations for increasing the participation of parents, teachers, students, school administrators, and members of the Armed Forces in the administration and operation of the schools transferred under this section.

Transfer of functions plan, transmittal to Congress.

(d) Nothing in this Act shall be construed to give the Secretary authority to operate overseas institutions of higher education.

TRANSFERS FROM THE DEPARTMENT OF LABOR

Migrant education. 20 USC 3443.

SEC. 303. (a) Notwithstanding the provisions of section 601 of this Act, there shall be transferred to the Secretary, at such time on or after the effective date of this Act as the Secretary certifies that there has been established in the Department a single component responsible for the administration and the coordination of programs relating to the education of migrants, all functions of the Secretary of Labor or the Department of Labor under section 303(c)(2) of the Comprehensive Employment and Training Act.

29 USC 873.

(b) The Secretary is authorized to conduct the functions transferred by subsection (a).

TRANSFERS OF PROGRAMS FROM THE NATIONAL SCIENCE FOUNDATION

Science education. 20 USC 3444.

42 USC 1861 note.

SEC. 304. (a)(1) There are transferred to the Secretary all programs relating to science education of the National Science Foundation or the Director of the National Science Foundation established prior to the effective date of this Act pursuant to the National Science Foundation Act of 1950, except the programs or parts of programs, as determined after review by the Director of the Office of Science and Technology Policy and the Director of the National Science Foundation, which relate to—

(A) scientific career development;

(B) the continuing education of scientific personnel;

(C) increasing the participation of women, minorities, and the handicapped in careers in science;

(D) the conduct of basic and applied research and development applied to science learning at all educational levels and the dissemination of results concerning such research and development; and

(E) informing the general public of the nature of science and technology and of attendant values and public policy issues.

(2) Except as provided in paragraph (1), no mission oriented research functions or programs of the National Science Foundation or any other Federal agency shall be transferred by this Act.

(b) The Secretary is authorized to conduct the programs transferred by subsection (a). In conducting such programs the Secretary shall consult, as appropriate, with the Director of the National Science Foundation, and shall establish advisory mechanisms designed to assure that scientists and engineers are fully involved in the development, implementation, and review of science education programs.

Report.

(c) The annual report to be transmitted by the Secretary pursuant to section 426 shall include a description of arrangements, developed by the Secretary in consultation with the Director of the National Science Foundation, for coordinated planning and operation of science education programs, including measures to facilitate the implementations of successful innovations.

(d) Nothing in this section is intended to repeal or limit the authority of the National Science Foundation or the Director of the National Science Foundation to initiate and conduct programs under the National Science Foundation Act of 1950.

TRANSFERS FROM THE DEPARTMENT OF JUSTICE

Law enforcement education. 20 USC 3445.

SEC. 305. There are transferred to the Secretary all functions of the Attorney General and of the Law Enforcement Assistance Administration with regard to the student loan and grant programs known as the law enforcement education program and the law enforcement intern program authorized by subsections (b), (c), and (f) of section 406 of the Omnibus Crime Control and Safe Streets Act of 1968. 42 USC 3746.

TRANSFERS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

College housing loans. 20 USC 3446. 12 USC 1749.

SEC. 306. There are transferred to the Secretary all functions relating to college housing loans of the Secretary of Housing and Urban Development and of the Department of Housing and Urban Development under title IV of the Housing Act of 1950.

EFFECT OF TRANSFERS

SEC. 307. The transfer of a function or office from an officer or agency to the Secretary or to the Department includes any aspects of such function or office vested in a subordinate of such officer or in a component of such agency. 20 USC 3447.

TITLE IV—ADMINISTRATIVE PROVISIONS

PART A—PERSONNEL PROVISIONS

OFFICERS AND EMPLOYEES

SEC. 401. (a) The Secretary is authorized to appoint and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Secretary and the Department. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5 of the United States Code. 20 USC 3461.

(b)(1) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in each of the grade levels GS–16, GS–17, and GS–18 of a number of positions in the Department equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred under this Act and which were assigned and filled on the day before the effective date of this Act. 5 USC 5332 note.

(2) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 3104 of title 5, United States Code, provide for the establishment in the Office created by section 209 of this Act of a number of scientific, professional, and technical positions outside of the General Schedule equal to the number of such positions which were used primarily for the performance of functions and offices transferred under this Act and which were assigned and filled on the day before the effective date of this Act.

(3) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5 of the United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this Act and, on the day preceding the effective date of this Act, holds a position and has duties comparable to those of the position to which appointed hereunder.

Termination.

(4) The authority under this subsection with respect to any position shall terminate when the person first appointed to fill such position ceases to hold such position.

92 Stat. 1177.

(5) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day preceding the effective date of this Act.

(c) The Secretary may appoint, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, up to 175 scientific, technical, or professional employees of the Office created by section 209 of this Act and may compensate employees so appointed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The rate of basic compensation for such employees shall not be equal to or in excess of the minimum rate of pay currently paid for GS-16 of the General Schedule under section 5332 of such title.

5 USC 5101 *et seq.*, 5331.

5 USC 5332 note.

Limited-term appointees.

(d) Notwithstanding any other provision of law, the Director of the Office of Personnel Management shall establish positions within the Senior Executive Service for 15 limited-term appointees. The Secretary shall appoint individuals to such positions as provided by section 3394 of title 5, United States Code. Such positions shall expire on the later of three years after the effective date of this Act or three years after the initial appointment to each position. Positions in effect under this subsection shall be taken into account in applying the limitations on positions prescribed under section 3134(e) and section 5108 of such title.

Indian preference law application.

(e) Nothing in this Act shall be construed to prevent the application of any Indian preference law in effect on the day before the date of enactment of this Act to any function or office transferred by this Act and subject to any such law on the day before the date of enactment of this Act. Any function or office transferred by this Act and subject to any such law shall continue to be subject to any such law.

"Civilian component."

(f) For purposes of any status of forces agreement between the United States and any other country or any international organization, any reference to "civilian component" shall be deemed to include a reference to overseas personnel of the overseas dependents' education system.

EXPERTS AND CONSULTANTS

20 USC 3462.

SEC. 402. The Secretary may as provided in appropriation Acts obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of such title.

5 USC 5332 note.

PERSONNEL REDUCTION AND ANNUAL LIMITATIONS

20 USC 3463.

SEC. 403. (a)(1) Notwithstanding any other provision of this Act, there shall be included in each appropriation Act containing appropriations for the administration of the Department for any fiscal year beginning after September 30, 1981 (other than an appropriation Act containing only supplemental appropriations for the Department), an annual limitation on the total number of work-years for the personnel of the Department.

Reports to Congress.

(2) The Secretary shall prescribe the allocation of the work-years available under paragraph (1) among the organizational units and components of the Department and shall, within 120 days after the enactment of an appropriation Act containing a work-year limitation, prepare and transmit to the Congress a report on such allocation. Such report shall include explanations and justifications for the

allocations made by the Secretary and shall indicate the necessary personnel actions which will be required as a consequence of such allocation. Not later than 120 days after the conclusion of any fiscal year to which a work-year limitation established under paragraph (1) applies, the Secretary shall prepare and transmit to the Congress a report on compliance with such limitation indicating the total work-years actually expended by the Department and by the organizational units and components to which such work-years were allocated.

(3) If the President transmits any reorganization plan under chapter 9 of title 5, United States Code, which would result in the transfer of functions or offices to the Secretary or the Department, the message transmitting the plan shall include any adjustments which may be necessary in a work-year limitation established under paragraph (1) to reflect changes in the work-years required as a result of such plan.

5 USC 901 *et seq.*

(b) Not later than the end of the first fiscal year beginning after the effective date of this Act, the number of full-time equivalent personnel positions available for performing functions transferred to the Secretary or the Department by this Act shall be reduced by 500.

(c)(1) Computations required to be made for purposes of this section shall be made on the basis of all personnel employed by the Department, including experts and consultants employed under section 3109 of title 5, United States Code, and all other part-time and full-time personnel employed to perform functions of the Secretary or the Department, except personnel employed under special programs for students and disadvantaged youth (including temporary summer employment).

(2) The Director of the Office of Personnel Management shall, by rule, establish a method for computing work-years for personnel of the Department as described in paragraph (1).

Report to Congress.

(d) The Director of the Office of Personnel Management shall, as soon as practicable, but not later than one year after the effective date of this Act, prepare and transmit to the Congress a report on the effects on employees of the reorganization under this Act, which shall include—

(1) an identification of any position within the Department or elsewhere in the executive branch, which it considers unnecessary due to consolidation of functions under this Act;

(2) a statement of the number of employees entitled to pay savings by reason of the organization under this Act;

(3) a statement of the number of employees who are voluntarily or involuntarily separated by reason of such reorganization;

(4) an estimate of the personnel costs associated with such reorganization;

(5) the effects of such reorganization on labor management relations; and

(6) such legislative and administrative recommendations for improvements in personnel management within the Department as the Director considers necessary.

PART B—GENERAL ADMINISTRATIVE PROVISIONS

GENERAL AUTHORITY

20 USC 3471.

SEC. 411. (a) In carrying out any function transferred by this Act, the Secretary, or any officer or employee of the Department, may exercise any authority available by law (including appropriation Acts) with respect to such function to the official or agency from which such function is transferred, and the actions of the Secretary in exercising such authority shall have the same force and effect as when exercised by such official or agency.

(b)(1) The director of any office continued in the Department the director of which was required, prior to the effective date of this Act, to report to the Commissioner of Education or the Assistant Secretary for Education of the Department of Health, Education, and Welfare, shall report to the Secretary.

(2) The Secretary is authorized to delegate reporting requirements vested in the Secretary by paragraph (1) to any officer or employee of the Department.

DELEGATION

20 USC 3472.

SEC. 412. Except as otherwise provided in this Act, the Secretary may delegate any function to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this Act shall relieve the Secretary of responsibility for the administration of such functions.

REORGANIZATION

20 USC 3473.

SEC. 413. (a) The Secretary is authorized, subject to the requirements of section 202(f), to allocate or reallocate functions among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate, but the authority of the Secretary under this subsection does not extend to—

(1) any office, bureau, unit, or other entity transferred to the Department and established by statute or any function vested by statute in such an entity or officer of such an entity, except as provided in subsection (b);

(2) the abolition of organizational entities established by this Act; or

(3) the alteration of the delegation of functions to any specific organizational entity required by this Act.

(b)(1) The Secretary may, in accordance with paragraph (2) of this subsection, consolidate, alter, or discontinue any of the following statutory entities, or reallocate any functions vested by statute in the following statutory entities:

(A) the Office of Bilingual Education;

(B) the Teacher Corps;

(C) the Community College Unit;

(D) the National Center for Education Statistics;

(E) the National Institute of Education;

(F) the Office of Environmental Education;

(G) the Office of Consumers' Education;

(H) the Office of Libraries and Learning Resources;

(I) the Office of Indian Education;

(J) the Office of Career Education;

(K) the Office of Non-Public Education;

(L) the bureau for the education and training for the handicapped;

(M) the Institute of Museum Services; and

(N) the administrative units for guidance and counseling programs, the veterans' cost of instruction program, and the program for the gifted and talented children.

(2) The Secretary may alter, consolidate, or discontinue any organizational entity continued within the Department and described in paragraph (1) of this subsection or reallocate any function vested by statute in such an entity, upon the expiration of a period of ninety days after the receipt by the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives of notice given by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this subsection and the facts and circumstances relied upon in support of such proposed action.

Congressional committees, notice.

RULES

20 USC 3474.

SEC. 414. (a) The Secretary is authorized to prescribe such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department.

(b) The Secretary, in promulgating rules and regulations as authorized by statute, shall prescribe such rules and regulations in accordance with chapter 5 of title 5, United States Code. Section 431 of the General Education Provisions Act also shall apply to such rules and regulations to the extent applicable immediately prior to the effective date of this Act, and to rules and regulations promulgated with respect to programs transferred under sections 301(a) (1), (2), and (4), 302, 303, 304, 305, and 306.

5 USC 500 *et seq.*
20 USC 1232.

CONTRACTS

20 USC 3475.
40 USC 471 note.

SEC. 415. (a) Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary is authorized to make, enter into, and perform such contracts, grants, leases, cooperative agreements, or other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Secretary may determine necessary or appropriate to carry out functions of the Secretary or the Department.

(b) Notwithstanding any other provision of this Act, no authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts. This subsection shall not apply with respect to the authority granted under section 421.

REGIONAL AND FIELD OFFICES

20 USC 3476.

SEC. 416. The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as the Secretary may find necessary or appropriate to perform functions of the Secretary or the Department.

ACQUISITION AND MAINTENANCE OF PROPERTY

20 USC 3477.

SEC. 417. (a) The Secretary is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

(A) schools and related facilities (but only to the extent that operation of schools and related facilities by the Department is authorized by this Act);

(B) laboratories;

(C) research and testing sites and facilities;

(D) quarters and related accommodations for employees and dependents of employees of the Department; and

(E) personal property (including patents), or any interest therein,

as may be necessary; and

(2) to provide by contract or otherwise for the establishment of eating facilities and other necessary facilities for the health and welfare of employees of the Department at its installations, and purchase and maintain equipment therefor.

20 USC 2564.

(b) The authority available to the Secretary of Health, Education, and Welfare under section 524 of the Education Amendments of 1976 shall also be available to the Secretary.

(c) The authority granted by subsection (a) of this section shall be available only with respect to facilities of a special purpose nature that cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Department by the Administrator of General Services.

FACILITIES AT REMOTE LOCATIONS

20 USC 3478.

SEC. 418. (a) The Secretary is authorized to provide, construct, or maintain for employees and their dependents stationed at remote locations as necessary and when not otherwise available at such remote locations—

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) dining facilities;

(4) audiovisual equipment, accessories, and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for dependents of employees of the Department to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2), (3), and (4) of subsection (a) shall be at prices reflecting reasonable value as determined by the Secretary.

(c) Proceeds from reimbursements under this section may be credited to the appropriation of funds that bear or will bear all or part of the cost of such work or services or used to refund excess sums when necessary.

USE OF FACILITIES

20 USC 3479.

SEC. 419. (a)(1) With their consent, the Secretary may, with or without reimbursement, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, of any State or political subdivision thereof, or of any foreign government, in carrying out any function of the Secretary or the Department.

(2) Notwithstanding the transfer of functions from the Secretary of Defense to the Secretary under section 302 (and the consequent transfer of personnel), all personnel performing such functions shall be treated, for the purpose of access to services and facilities provided by the Department of Defense, as employees of the Department of Defense.

(b) The Secretary is authorized to permit public and private agencies, corporations, associations, organizations, or individuals to use any real property, or any facilities, structures, or other improvements thereon, under the custody and control of the Secretary for Department purposes. The Secretary shall permit the use of such property, facilities, structures, or improvements under such terms and rates and for such period as may be in the public interest, except that the periods of such uses may not exceed five years. The Secretary may require permittees under this section to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements used by such permittees to a standard satisfactory to the Secretary. This subsection shall not apply to excess property as defined in section 3(e) of the Federal Property and Administrative Services Act of 1949. 40 USC 472.

(c) Proceeds from reimbursements under this section may be credited to the appropriation of funds that bear or will bear all or part of the cost of such equipment or facilities provided or to refund excess sums when necessary.

(d) Any interest in real property acquired pursuant to this Act shall be acquired in the name of the United States Government.

COPYRIGHTS AND PATENTS

SEC. 420. The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department: 20 USC 3480.

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

GIFTS AND BEQUESTS

SEC. 421. The Secretary is authorized to accept, hold, administer, and utilize gifts, bequests and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary. 20 USC 3481.

TECHNICAL ADVICE

SEC. 422. (a) The Secretary is authorized, upon request, to provide advice, counsel, and technical assistance to applicants or potential applicants for grants and contracts and other interested persons with respect to any functions of the Secretary or the Department. 20 USC 3482.

(b) The Secretary may permit the consolidation of applications for grants or contracts with respect to two or more functions of the Secretary or the Department, but such consolidation shall not alter the statutory criteria for approval of applications for funding with respect to such functions.

WORKING CAPITAL FUND

Establishment.
20 USC 3483.

SEC. 423. (a) The Secretary, with the approval of the Director of the Office of Management and Budget, is authorized to establish for the Department a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interests of economy and efficiency, including such services as—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its components;

(2) central messenger, mail, telephone, and other communications services;

(3) office space, central services for document reproduction, and for graphics and visual aids; and

(4) a central library service.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates that will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which the Secretary determines, with the approval of the Director of the Office of Management and Budget, will be performed.

FUNDS TRANSFER

20 USC 3484.

SEC. 424. The Secretary may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Department, except that no appropriation for any fiscal year shall be either increased or decreased pursuant to this section by more than 5 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

SEAL OF DEPARTMENT

20 USC 3485.

SEC. 425. The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

Report to President and Congress.
20 USC 3486.

SEC. 426. (a) The Secretary shall, as soon as practicable after the close of each fiscal year, make a single, comprehensive report to the President for transmission to the Congress on the activities of the Department during such fiscal year. The report shall include a statement of goals, priorities, and plans for the Department together with an assessment of the progress made toward—

(1) the attainment of such goals, priorities, and plans;

(2) the more effective and efficient management of the Department and the coordination of its functions; and

(3) the reduction of excessive or burdensome regulation and of unnecessary duplication and fragmentation in Federal education programs,

accompanied where necessary by recommendations for proposed legislation for the achievement of such objectives.

Non-Federal personnel.

(b) The report required by subsection (a) shall also include an estimate of the extent of the non-Federal personnel employed pursuant to contracts entered into by the Department under section 415 or under any other authority (including any subcontract thereunder), the number of such contracts and subcontracts pursuant to which non-Federal personnel are employed, and the total cost of those contracts and subcontracts.

RELATIONSHIP TO GENERAL EDUCATION PROVISIONS ACT

20 USC 3487.
20 USC 1221.

SEC. 427. Except where inconsistent with the provisions of this Act, the General Education Provisions Act shall apply to functions transferred by this Act to the extent applicable on the day preceding the effective date of this Act.

AUTHORIZATION OF APPROPRIATIONS

20 USC 3488.

SEC. 428. Subject to any limitation on appropriations applicable with respect to any function or office transferred to the Secretary or the Department, there are authorized to be appropriated for fiscal year 1980 and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this Act and to enable the Secretary to administer and manage the Department. Funds appropriated in accordance with this section shall remain available until expended.

TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL

20 USC 3501.

SEC. 501. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by this Act, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

31 USC 581c.
Unexpended funds.

(b) Positions expressly specified by statute or reorganization plan to carry out functions or offices transferred by this Act, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation in such positions at the rate prescribed for offices and positions at level IV or V of the Executive Schedule (5 U.S.C. 5315–5316) on the effective date of this Act, shall be subject to the provisions of section 503.

EFFECT ON PERSONNEL

20 USC 3502.

SEC. 502. (a) Except as otherwise provided in this Act, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer to the Department.

(b) Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

AGENCY TERMINATIONS

20 USC 3503.

SEC. 503. (a)(1) On the effective date of this Act, the following entities shall terminate:

(A) the Education Division of the Department of Health, Education, and Welfare, including the Office of Education;

(B) the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare;

(C) the Bureau of Occupational and Adult Education of the Department of Health, Education, and Welfare.

(2) Whenever the President exercises the authority under section 302(a), the Office of Dependents' Education of the Department of Defense shall terminate.

(b) Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for level IV or V of the Executive Schedule (5 U.S.C. 5315-5316), in an office terminated pursuant to this Act shall also terminate.

INCIDENTAL TRANSFERS

20 USC 3504.

SEC. 504. (a) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized and directed to make such determinations as may be necessary with regard to the functions, offices, or portions thereof transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

(b) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such time as the Director of the Office of Management and Budget provides, to make such determinations as may be necessary with regard to the transfer of positions within the Senior

Executive Service in connection with functions and offices transferred by this Act.

SAVINGS PROVISIONS

SEC. 505. (a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges— 20 USC 3505.

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Secretary or the Department, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Department. Regulations.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) Orders and actions of the Secretary in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions Judicial review.

had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

SEPARABILITY

20 USC 3506.

Sec. 506. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

REFERENCE

20 USC 3507.

Sec. 507. With respect to any function transferred by this Act and exercised on or after the effective date of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary, other official, or component of the Department to which this Act transfers such functions.

AMENDMENTS

Sec. 508. (a) Section 19(d)(1) of title 3, United States Code, is amended—

(1) by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services"; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "Secretary of Education".

(b) Section 101 of title 5, United States Code, is amended—

(1) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services"; and

(2) by adding at the end thereof the following:

"The Department of Education.".

(c) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"(15) Secretary of Education.".

(d) Section 5314 of title 5, United States Code, is amended by inserting immediately after paragraph (4) the following:

"(5) Under Secretary of Education.".

(e) Section 5315 of title 5 of the United States Code is amended—

(1) by striking out paragraph (17) and inserting in lieu thereof the following:

"(17) Assistant Secretaries of Health and Human Services (4)."; and

(2) by inserting immediately after paragraph (24) the following:

"(25) Assistant Secretaries of Education (6).

"(26) General Counsel, Department of Education.

"(27) Inspector General, Department of Education.".

(f) Section 5316 of title 5 of the United States Code is amended—

(1) by striking out paragraph (41); and

(2) by inserting after paragraph (36) the following new paragraphs:

"(37) Additional officers, Department of Education, (4).

"(38) Administrator of Education for Overseas Dependents, Department of Education.".

5 USC 5311.

(g) Subchapter II of chapter 53 of title 5 of the United States Code is further amended by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

(h) The Comprehensive Employment and Training Act is amended— 29 USC 801 note.

(1) in section 111, by striking out subsection (a) and inserting in lieu thereof the following: 29 USC 821.

"(a) The Secretary of Labor shall consult with the Secretary of Health and Human Services with respect to arrangements for services of a health or welfare character under this Act. The Secretary of Labor shall consult with the Secretary of Education with respect to arrangements for services of an educational nature under this Act, and the Secretary of Education and the Secretary of Health and Human Services shall solicit the advice and comments of appropriate State agencies with regard to, respectively, education and health and welfare services. Such services shall include basic or general education, educational programs conducted for offenders, institutional training, health care, child care, and other supportive services, and new careers and job restructuring in the health, education, and welfare professions.";

(2) in section 127(b), by striking out "and the Secretary of Health, Education, and Welfare" and inserting in lieu thereof a comma and the following: "the Secretary of Education, and the Secretary of Health and Human Services"; 92 Stat. 1945. 29 USC 829.

(3) in section 302(c), by striking out paragraph (3) and inserting in lieu thereof the following: 29 USC 873.

"(d) For the purposes of carrying out subsections (b) and (c) of this section, the Secretary shall reserve from funds available for this title an amount equal to not less than 4.625 percent of the amount allocated pursuant to section 202(a).";

(4) in section 311(g), by striking out "Health, Education, and Welfare," and inserting in lieu thereof "Health and Human Services, Department of Education,"; 92 Stat. 1968. 29 USC 879.

(5) in section 314, by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education"; 92 Stat. 1972. 29 USC 882.

(6) in section 438(a)(2), by striking out "Health, Education, and Welfare," and inserting in lieu thereof "Education, Secretary of Health and Human Services,"; and 92 Stat. 1987. 29 USC 914.

(7) in section 502(a)— 29 USC 952.

(A) by striking out "15" and inserting in lieu thereof "16"; and

(B) by striking out "Health, Education, and Welfare," in paragraph (1) and inserting in lieu thereof "Education, Secretary of Health and Human Services,".

(i) Section 5 of the Alcohol and Drug Abuse Education Act is amended— 21 USC 1004.

(1) by inserting after "Secretary" in the first sentence "of Health and Human Services, the Secretary of Education"; and

(2) by striking out "of Health, Education, and Welfare" in the second sentence and inserting in lieu thereof "of Health and Human Services, the Department of Education".

(j) The Defense Dependents' Education Act of 1978 is amended—

(1) in section 1410(a)(1), by striking out "representatives of sponsors" and inserting in lieu thereof "parents"; 92 Stat. 2369. 20 USC 928.

(2) in section 1410(b), by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary of Education, in consultation with the Secretary of Defense,";

(3) in section 1411(a), by striking out "Department of Defense" and inserting in lieu thereof "Department of Education"; 92 Stat. 2370. 20 USC 929.

92 Stat. 2370.
20 USC 929.

(4) in section 1411(a)(1), by striking out everything after "Logistics" and inserting in lieu thereof ", and the Administrator of Education for Overseas Dependents of such department, who shall be co-chairman of the Council;";

(5) in section 1411(a), by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) twelve individuals appointed by the Secretary of Education, who shall be individuals who have demonstrated an interest in the fields of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, parents of dependents enrolled in the dependents' education system, and one student enrolled in such system;

"(3) a representative of the Secretary of Education and of the Secretary of Defense.";

(6) in section 1411(b)(1), by striking out "Assistant Secretary" and inserting in lieu thereof "Secretary of Education";

(7) in section 1411(c)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) make recommendations to the Director and to the Secretary of Education on the orderly transfer of the functions under the Dependents' Education Act of 1978 to the Secretary and Department of Education,"; and

(8) in section 1411(c)(5) (as so redesignated), by striking out "Assistant Secretary" and inserting in lieu thereof "Secretary of Education".

92 Stat. 2153.
20 USC 2711.

(k) Section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.".

92 Stat. 2218.
20 USC 3012.

(l)(1) Section 352 of the Environmental Education Act of 1978 is amended by striking out "who shall be compensated" and everything that follows through the end of such section and inserting in lieu thereof a period.

20 USC 2390.

(2) Paragraph (1) of section 160(b) of the Vocational Education Act of 1963 is amended by striking out ", and who shall be compensated" and everything that follows through the end of such paragraph and inserting in lieu thereof a period.

20 USC 1102.

(3) Section 512 of the Higher Education Act of 1965 is amended by striking out the second sentence and inserting in lieu thereof the following: "The Teacher Corps shall be headed by a Director and a Deputy Director.".

20 USC 1102 note.

(4) Positions abolished as a consequence of the amendments made by this subsection shall, for purposes of section 502(a), be deemed to be permanent positions transferred pursuant to title V of this Act.

92 Stat. 2965.
29 USC 761b.

(m)(1) Section 203(a)(1) of the Rehabilitation Act of 1973 is amended by striking out "Commissioner, the Commissioner" and inserting in lieu thereof "Secretary".

92 Stat. 2983.
29 USC 794c.

(2) Section 507 of such Act is amended by striking out "Health, Education, and Welfare," and inserting in lieu thereof "Education, the Secretary of Health and Human Services,".

(n) The Inspector General Act of 1978 is amended—

92 Stat. 1101.
5 USC app.

(1) in section 2(1), by inserting "the Department of Education," immediately after "Commerce,";

92 Stat. 1107.
5 USC app.

(2) in section 9(a)(1)—

(A) by redesignating subparagraphs (C) through (L) as (D) through (M), respectively; and

(B) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) of the Department of Education, all functions of the Inspector General of Health, Education, and Welfare or of the Office of Inspector General of Health, Education, and Welfare relating to functions transferred by section 301 of the Department of Education Organization Act;";

(3) in section 11(1), by inserting "Education," immediately after "Commerce,"; 92 Stat. 1109. 5 USC app.

(4) in section 11(2), by inserting "Education," immediately after "Commerce,"; and

(5) by amending the title to read as follows: "An Act to establish Offices of Inspector General within various departments and agencies, and for other purposes.".

REDESIGNATION

Department of Health and Human Services. 20 USC 3508.

SEC. 509. (a) The Department of Health, Education, and Welfare is hereby redesignated the Department of Health and Human Services, and the Secretary of Health, Education, and Welfare or any other official of the Department of Health, Education, and Welfare is hereby redesignated the Secretary or official, as appropriate, of Health and Human Services.

(b) Any reference to the Department of Health, Education, and Welfare, the Secretary of Health, Education, and Welfare, or any other official of the Department of Health, Education, and Welfare in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Health and Human Services or the Secretary of Health and Human Services, respectively, except to the extent such reference is to a function or office transferred to the Secretary or the Department under this Act.

COORDINATION OF PROGRAMS AFFECTING HANDICAPPED INDIVIDUALS

20 USC 3509.

SEC. 510. The Secretary of Health and Human Services shall identify, assess, coordinate, and eliminate conflict, duplication, and inconsistencies among programs significantly affecting handicapped individuals carried out by or under the Department of Health and Human Services, shall promote efficiency among such programs, and shall seek to coordinate, to the maximum extent feasible, such programs with programs significantly affecting handicapped individuals carried out by or under the Department of Education.

TRANSITION

20 USC 3510.

SEC. 511. With the consent of the appropriate department or agency head concerned, the Secretary is authorized to utilize the services of such officers, employees, and other personnel of the departments and agencies from which functions or offices have been transferred to the Secretary or the Department, and funds appropriated to such functions or offices for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

EFFECTIVE DATE

Publication in Federal Register. 20 USC 3401 note.

Sec. 601. (a) The provisions of this Act shall take effect one hundred and eighty days after the first Secretary takes office, or on any earlier date on or after October 1, 1979, as the President may prescribe and publish in the Federal Register, except that at any time on or after October 1, 1979—

(1) any of the officers provided for in title II of this Act may be nominated and appointed, as provided in such title; and

Regulations.

(2) the Secretary may promulgate regulations pursuant to section 505(b)(2) of this Act.

(b) Funds available to any department or agency (or any official or component thereof), the functions or offices of which are transferred to the Secretary or the Department by this Act, may, with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this title and other transitional and planning expenses associated with the establishment of the Department or transfer of functions or offices thereto until such time as funds for such purposes are otherwise available.

INTERIM APPOINTMENTS

20 USC 3401 note.

Sec. 602. (a) In the event that one or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act and notwithstanding any other provisions of law, the President may designate an officer in the executive branch to act in such office for one hundred and twenty days or until the office is filled as provided in this Act, whichever occurs first.

(b) Any officer acting in an office in the Department pursuant to the provisions of subsection (a) shall receive compensation at the rate prescribed for such office under this Act.

Approved October 17, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-143 accompanying H.R. 2444 (Comm. on Government Operations) and No. 96-459 (Comm. of Conference).

SENATE REPORTS: No. 96-49 (Comm. on Governmental Affairs) and No. 96-326 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):
Apr. 5, 10, 26, 30, considered and passed Senate.
June 7, 11-13, 19, July 11, H.R. 2444, considered and passed House; passage vacated and S. 210, amended, passed in lieu.
Sept. 24, Senate agreed to conference report.
Sept. 27, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 42:
Oct. 17, Presidential statement.

Public Law 96-89
96th Congress

An Act

To amend the Act of July 2, 1940, as amended, to increase the amount authorized to be appropriated for the Canal Zone Biological Area.

Oct. 19, 1979
[S. 817]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 7 of the Act of July 2, 1940 (20 U.S.C. 79e), is amended by striking out "$350,000" and inserting in lieu thereof "$750,000".**

Canal Zone Biological Area, appropriation authorization.

SEC. 2. The provision in section 1 of this Act shall take effect on October 1, 1979.

Effective date.
20 USC 79e note.

Approved October 19, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-405 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-120 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 14, considered and passed Senate.
Oct. 9, considered and passed House.

Public Law 96-90
96th Congress

An Act

Oct. 23, 1979
[H.R. 1301]

To amend title 18 of the United States Code to allow the transportation or mailing to a foreign country of material concerning a lottery authorized by that foreign country, and for other purposes.

Lottery material, transportation or mailing to a foreign country.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 1307 of title 18 of the United States Code is amended by striking out "mailing to addresses within" and all that follows through the end of such subsection (b) and inserting in lieu thereof the following: "mailing—

"(1) to addresses within a State of equipment, tickets, or material concerning a lottery which is conducted by that State acting under the authority of State law; or

"(2) to an addressee within a foreign country of equipment, tickets, or material designed to be used within that foreign country in a lottery which is authorized by the law of that foreign country."

(b) Subsection (c) of section 1307 of title 18 of the United States Code is amended—

(1) by inserting "(1)" after "of this section"; and

(2) by inserting "; and (2) 'foreign country' means any empire, country, dominion, colony, or protectorate, or any subdivision thereof (other than the United States, its territories or possessions)" before the period.

Sec. 2. Section 1953 of title 18 of the United States Code is amended—

(1) in subsection (b), by striking out the period at the end of such subsection and inserting in lieu thereof the following: ", or (5) the transportation in foreign commerce to a destination in a foreign country of equipment, tickets, or materials designed to be used within that foreign country in a lottery which is authorized by the laws of that foreign country."; and

(2) by adding at the end the following new subsections:

"State."

"Foreign country."

"(d) For the purposes of this section (1) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and (2) 'foreign country' means any empire, country, dominion, colony, or protectorate, or any subdivision thereof (other than the United States, its territories or possessions).

"(e) For the purposes of this section 'lottery' means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. 'Lottery' does not include the placing or accepting of bets or wagers on sporting events or contests.".

"Lottery."

Approved October 23, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-45 (Comm. on the Judiciary).
SENATE REPORT No. 96-323, accompanying S. 947 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Mar. 19, 20, Apr. 23, 24, considered and passed House.
  Oct. 19, considered and passed Senate, in lieu of S. 947.

Public Law 96-91
96th Congress

An Act

Oct. 25, 1979
[S. 567]

To amend title 28 of the United States Code to allow the United States attorney and assistant United States attorneys for the Eastern District of New York to reside within twenty miles of the district.

U.S. Attorneys, Eastern District of N.Y. Residence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 545(a) of title 28, United States Code, is amended by striking out "Columbia and the Southern District of New York" and inserting in lieu thereof "Columbia, the Southern District of New York, and the Eastern District of New York".**

Approved October 25, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-489 accompanying H.R. 3959 (Comm. on the Judiciary).
SENATE REPORT No. 96-94 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 2, considered and passed Senate.
Oct. 15, H.R. 3959 considered and passed House; passage vacated and S. 567 passed in lieu.

Public Law 96-92
96th Congress

An Act

To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal year 1980, and for other purposes.

Oct. 29, 1979
[H.R. 3173]

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled,

International Security Assistance Act of 1979.

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security Assistance Act of 1979".

22 USC 2151 note.

CONTINGENCIES

SEC. 2. (a) The heading for chapter 5 of part I of the Foreign Assistance Act of 1961 is amended by striking out "CONTINGENCY FUND" and inserting in lieu thereof "CONTINGENCIES".

22 USC 2261.

(b) Section 451 of such Act is amended—

22 USC 2261.

(1) by striking out "CONTINGENCY FUND" and inserting in lieu thereof "CONTINGENCIES"; and

(2) by amending subsection (a) to read as follows:

"(a)(1) Notwithstanding any other provision of law, the President is authorized to use not to exceed $10,000,000 of funds made available in any fiscal year to carry out any provision of this Act (other than the provisions of chapter 1 of this part) in order to provide, for any emergency purposes, assistance authorized by this part in accordance with the provisions applicable to the furnishing of such assistance.

22 USC 2151.

"(2) The President shall report promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate each time he exercises the authority contained in this subsection.".

Report to Congress.

INTERNATIONAL NARCOTICS CONTROL

SEC. 3. (a) Section 482(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

92 Stat. 731.
22 USC 2291a.

"(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $51,758,000 for the fiscal year 1980.

22 USC 2291.

"(2) Of the amount authorized to be appropriated for the fiscal year 1980 by paragraph (1), $16,000,000 shall be available only for the Republic of Colombia for the interdiction of drug traffic. Such funds may be used only (A) for helicopters, patrol vessels, fixed radar equipment, transport vehicles, and fuel, which will be used exclusively for interdicting drug traffic, and (B) for training personnel with respect to the interdiction of drug traffic.

Colombia.

"(3) Funds appropriated under this subsection for the fiscal year 1980 may not be used for a contribution to the United Nations Fund for Drug Abuse Control in an amount which exceeds the lesser of $3,000,000 or 25 percent of the total contributions by all countries to

Limitation.

such Fund for the calendar year with respect to which the United States contribution is made.

"(4) Amounts appropriated under this subsection are authorized to remain available until expended.".

92 Stat. 730.
22 USC 2291.
(b) Section 481(d)(1) of such Act is amended by striking out "or used for any program involving" and inserting in lieu thereof "for the purpose of".

HUMAN RIGHTS

22 USC 2304.
Sec. 4. Section 502B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

22 USC 2751 note.
"(f) In allocating the funds authorized to be appropriated by this Act and the Arms Export Control Act, the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.".

MILITARY ASSISTANCE

22 USC 2312.
Sec. 5. (a) Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

Appropriation authorization.
Limitation.
"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $110,200,000 for the fiscal year 1980. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1980:

"Country	Amount
Portugal	$30,000,000
Spain	3,800,000
Jordan	30,000,000
Philippines	25,000,000

The amount specified in this paragraph for military assistance to any such country may be increased by not more than 10 percent of such amount if the President deems such increase necessary for the purposes of this chapter.".

22 USC 2318.
(b) Section 506 of such Act is amended to read as follows:

22 USC 2411.
"Sec. 506. Special Authority.—(a) If the President determines and reports to the Congress in accordance with section 652 of this Act that—

"(1) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and

22 USC 2751 note.
"(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except this section;

he may direct, for the purposes of this part, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $10,000,000 in any fiscal year.

Notification to congressional committees.
"(b)(1) The authority contained in this section shall be effective for any such emergency only upon prior notification to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of each House of Congress.

"(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training provided under this section.

"(c) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.".

(c) Section 516(a) of such Act is amended by striking out "until September 30, 1981," and all that follows thereafter and inserting in lieu thereof "shall remain available for a period of three fiscal years next following any fiscal year after the fiscal year 1977 for which assistance under this chapter has been authorized for a country, to the extent necessary to carry out obligations incurred under this chapter with respect to such assistance for such country on or before September 30 of such fiscal year.". 22 USC 2321j.

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 6. (a) Section 514 of the Foreign Assistance Act of 1961 is amended— 22 USC 2321h.

(1) in subsection (b)(2), by striking out "$90,000,000 for the fiscal year 1979" and inserting in lieu thereof "$95,000,000 for the fiscal year 1980"; and

(2) in subsection (c), by inserting "the Republic of Korea or" immediately after "stockpiles located in".

(b) The President shall transmit to the Congress not later than December 31, 1979, a report regarding the stockpiling authorities for the Republic of Korea. The report shall— Korea. Report, transmittal to Congress. 22 USC 2321h note.

(1) detail the goals of the stockpiling program for the Republic of Korea, including projections for additional stockpiling authority;

(2) review the procedures for the transfer of stockpiled materiel in time of war and recommend changes if necessary; and

(3) state the intentions of the executive branch with regard to the eventual peacetime disposition of the stockpiled materiel, including the general terms and conditions of any peacetime transfer.

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 7. Section 515 of the Foreign Assistance Act of 1961 is amended— 22 USC 2321i.

(1) in subsection (b)(1)—

(A) by striking out "fiscal year 1979" and inserting in lieu thereof "fiscal year 1980"; and

(B) by inserting "Greece," immediately after "Panama,"; and

(2) in subsection (f), by striking out "December 31, 1977" and inserting in lieu thereof "December 31, 1978".

ECONOMIC SUPPORT FUND

SEC. 8. (a) Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1979, $1,902,000,000" and inserting in lieu thereof "for the fiscal year 1980, $1,935,000,000". 92 Stat. 733. 22 USC 2346.

(b) Section 532 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following: 92 Stat. 733. 22 USC 2346a.

"(b)(1) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, not less than $785,000,000 shall be available only for Israel and not less than $750,000,000 shall be available only for Egypt. Not less than two-thirds of such funds shall be provided on a grant basis to each such country.

"(2) The total amount of funds allocated for Israel under this chapter for the fiscal year 1980 may be made available as a cash transfer. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfers made to Israel does not cause an adverse impact on the total amount of nonmilitary exports from the United States to Israel.

"(c) It is the sense of the Congress that programs which stress regional development or regional scientific and technical cooperation in the Middle East can contribute in an important way to the mutual understanding that must serve as the basis for permanent peace in the Middle East.

Middle East, fund restrictions.

"(d) It is the sense of the Congress that—

"(1) funds made available under this chapter for countries in the Middle East are designed to promote progress toward a comprehensive peace settlement in the Middle East; and

"(2) for Syria and Jordan to continue to receive funds under this chapter, it should be judged by the President that they are acting in good faith to achieve further progress toward a comprehensive peace settlement and that the expenditure of the funds will serve the process of peace in the Middle East.

Syria.

"(e) None of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1980 may be used to provide assistance for Syria, unless the President determines, and so reports to the Congress, that assistance for Syria is in the national interest of the United States.".

92 Stat. 735.
22 USC 2346b.

(c) Section 533 of such Act is amended to read as follows:

"Sec. 533. Southern Africa Programs.—(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, $68,000,000 shall be available for the countries of southern Africa and for a southern Africa regional refugee support, training, and economic planning program to address the problems caused by the economic dislocation resulting from the conflict in that region and for education and job training assistance. Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts, and to provide support to countries in that region.

"(b) No assistance may be furnished under this section to Mozambique, Angola, Tanzania, or Zambia, except that the President may waive this prohibition with respect to any such country if he determines, and so reports to the Congress, that furnishing such assistance to such country would further the national interests of the United States.".

92 Stat. 735.
22 USC 2346c.

(d) Section 534 of such Act is amended to read as follows:

"Sec. 534. Turkey and Cyprus Programs.—(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, $15,000,000 shall be available only for Cyprus for refugee relief, reconstruction, or other activities consistent with a reconciliation on Cyprus.

"(b) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, not more than $98,000,000 shall be available for Turkey.".

(e) Chapter 4 of part II of such Act is amended by adding at the end thereof the following new section:

"**Sec. 535. Sudan Program.**—Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, not less than $40,000,000 shall be available for Sudan.". 22 USC 2346d.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 9. Section 542 of the Foreign Assistance Act of 1961 is amended by striking out "$31,800,000 for the fiscal year 1979" and inserting in lieu thereof "$31,800,000 for the fiscal year 1980, except that no part of such amount may be made available for Inter-American regional programs unless the foreign countries participating in such programs collectively contribute an equivalent amount to carry out the purposes of such programs". 22 USC 2347a.

PEACEKEEPING OPERATIONS

Sec. 10. (a) Section 552(a) of the Foreign Assistance Act of 1961 is amended by striking out "$30,900,000 for the fiscal year 1979" and inserting in lieu thereof "$21,100,000 for the fiscal year 1980". 92 Stat. 736. 22 USC 2348a.

(b) Section 551 of such Act is amended by adding at the end thereof the following new sentence: "Such assistance may include reimbursement to the Department of Defense for expenses incurred pursuant to section 7 of the United Nations Participation Act of 1945, except that such reimbursements may not exceed $5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.". 92 Stat. 736. 22 USC 2348. 22 USC 287d-1.

(c) Section 552 of such Act is amended by adding at the end thereof the following new subsection: 92 Stat. 736. 22 USC 2348a.

"(c) If the President determines that, as the result of an unforeseen emergency, the provision of assistance under this chapter in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States, the President may exercise the authority of section 610(a) of this Act to transfer funds available to carry out chapter 4 of this part for use under this chapter without regard to the 20-percent increase limitation contained in such section, except that (1) the total amount so transferred in any fiscal year may not exceed $10,000,000, and (2) earmarked funds may not be transferred.". 22 USC 2360. 92 Stat. 733. 22 USC 2346.

COOPERATIVE CROSS SERVICING AND LEAD-NATION PROCUREMENT ARRANGEMENTS WITHIN THE NORTH ATLANTIC TREATY ORGANIZATION

Sec. 11. Subparagraph (C) of section 3(d)(3) of the Arms Export Control Act is amended to read as follows: 22 USC 2753.

"(C) to arrangements among members of the North Atlantic Treaty Organization or between the North Atlantic Treaty Organization and any of its member countries—

"(i) for cooperative cross servicing, or

"(ii) for lead-nation procurement if the certification transmitted to the Congress pursuant to section 36(b) of this Act with regard to such lead-nation procurement identified the transferees on whose behalf the lead-nation procurement was proposed.". 22 USC 2776.

RECIPROCAL QUALITY ASSURANCE, INSPECTION, AND CONTRACT AUDIT SERVICES

Sec. 12. Section 21 of the Arms Export Control Act is amended— 22 USC 2761.

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting the following new subsection (h) immediately after subsection (g):

"(h) The President is authorized to provide (without charge) quality assurance, inspection, and contract audit defense services under this section—

"(1) in connection with the placement or administration of any contract or subcontract for defense articles or defense services entered into after the date of enactment of this subsection by, or under this Act on behalf of, a foreign government which is a member of the North Atlantic Treaty Organization, if such government provides such services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government; or

"(2) in connection with the placement or administration of any contract or subcontract for defense articles or defense services pursuant to the North Atlantic Treaty Organization Infrastructure Program in accordance with an agreement under which the foreign governments participating in such program provide such services, without charge, in connection with similar contracts or subcontracts.".

MODIFICATION OF THE ANNUAL ARMS SALES PROPOSAL

92 Stat. 740.
22 USC 2765.

SEC. 13. Section 25(d) of the Arms Export Control Act is amended—

(1) by inserting "weapons or weapons-related" immediately after "major";

(2) by striking out "defense articles or defense services" and inserting in lieu thereof "weapons or weapons-related defense equipment";

(3) by adding at the end thereof the following new sentence: "Sales deemed most likely actually to result in the issuance of a letter of offer during such fiscal year shall be appropriately so identified in the reports submitted pursuant to this paragraph and paragraph (2) of this subsection."; and

(4) by inserting "(1)" immediately after "(d)" and by adding at the end thereof the following new paragraph:

Notification to Congress.

"(2) The President shall notify the Congress in writing at intervals of six months of any changes in the Arms Sales Proposal for such fiscal year, together with the reasons therefor.".

MULTILATERAL ARMS SALES INFORMATION

22 USC 2765.

SEC. 14. Section 25 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

Report, transmittal to Congress.

"(e) The President shall transmit to the Congress, at the time of the transmittal of each Arms Sales Proposal required by subsection (d)(1), a classified report detailing the executive branch's best estimates with regard to the international volume of arms traffic. The report shall include estimates on an annual basis of the sale and delivery of weapons and weapons-related defense equipment by all major arms suppliers to all major recipient countries during the preceding three years.".

NORTH ATLANTIC TREATY ORGANIZATION COOPERATIVE PROJECTS

SEC. 15. Chapter 2 of the Arms Export Control Act is amended by adding at the end thereof the following new section:

22 USC 2767.
"Cooperative project."

"SEC. 27. NORTH ATLANTIC TREATY ORGANIZATION COOPERATIVE PROJECTS.—(a) For purposes of this section, the term 'cooperative project' means a project described in an agreement, entered into after the date of enactment of this section, under which—

"(1) the North Atlantic Treaty Organization, or one or more member countries thereof, agrees to share with the United States the costs of research on and development, testing, and evaluation of certain defense articles, and the costs of any agreed joint production ensuing therefrom, in order to further the objectives of standardization and interoperability of the armed forces of North Atlantic Treaty Organization member countries; or

"(2) the North Atlantic Treaty Organization, or one or more member countries thereof other than the United States, agrees to bear the costs of research on and development, testing, and evaluation of certain defense articles (or categories of defense articles) and to have such articles produced for sale to, and licensed for production within, other participant member countries including the United States, and the United States agrees to bear the costs of research on and development, testing, and evaluation of other defense articles (or categories of defense articles) and to have such defense articles produced for sale to, and licensed for production within, other participant member countries in order to further the objectives of rationalization of the industrial and technological resources within the North Atlantic Treaty area.

Charges, reduction or waiver.
22 USC 2761.

"(b)(1) The President may reduce or waive the charge or charges which would otherwise be considered appropriate under section 21(e) of this Act (and, in the case of agreements described in subsection (a)(2) of this section, may reduce or waive the charges for reimbursement of the costs of officers and employees of the United States Government which would otherwise be required) in connection with sales under section 21 and section 22 of this Act in furtherance of cooperative projects. Notwithstanding the provisions of section 21(e)(1)(A) and section 43(b) of this Act, administrative surcharges shall not be increased on other sales made under this Act in order to compensate for reductions or waivers of such surcharges under this section. Funds received pursuant to such other sales shall not be available to reimburse the costs incurred by the United States Government for which reduction or waiver is approved by the President under this section.

22 USC 2762.

22 USC 2792.

Applicability.

"(2) The provisions of paragraph (1) shall apply only if for each cooperative project the other countries which participate in such cooperative project reciprocate by waiving comparable charges for their sales related to such cooperative project and if the President determines that the magnitude of the contribution of a member country of the North Atlantic Treaty Organization to such cooperative project would help the United States conserve defense resources and promote a stronger alliance.

Certification, transmittal to Congress.

"(c)(1) Not less than thirty days prior to signature on behalf of the United States of an agreement for a cooperative project, the President shall transmit to the Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, and the chairman of the Committee on Armed Services of the Senate, a numbered certification with respect to such proposed agreement, setting forth—

"(A) a detailed description of the cooperative project with respect to which the certification is made;

"(B) an estimate of the amount of sales and exports expected to be made or approved under this Act in furtherance of such cooperative project;

"(C) an estimate of the dollar value of any charges expected to be reduced or waived under this section in connection with such cooperative project, such dollar value to consist of expenses that will be charged against Department of Defense funds without reimbursement and amounts not to be recovered and deposited to the General Fund of the Treasury;

"(D) an estimate of the dollar value of the costs to be borne by the North Atlantic Treaty Organization or by the member countries thereof in connection with such cooperative project; and

"(E) a statement of the foreign policy and national security benefits anticipated to be derived from such cooperative project.

22 USC 2776.
22 USC 2761, 2762.
22 USC 2778.

"(2) The provisions of subsection (b) of section 36 of this Act shall not apply to sales made under section 21 or section 22 of this Act, and the provisions of subsection (c) of section 36 of this Act shall not apply to the issuance of licenses or other approvals under section 38 of this Act, if such sales are made, or such licenses or approvals are issued, in furtherance of a cooperative project.".

REPORTS ON PRICE AND AVAILABILITY ESTIMATES

Ante, p. 706.

SEC. 16. (a) Chapter 2 of the Arms Export Control Act, as amended by section 15 of this Act, is further amended by adding at the end thereof the following new section:

Transmittal to congressional committees.
22 USC 2768.

"SEC. 28. REPORTS ON PRICE AND AVAILABILITY ESTIMATES.—(a) The President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, within five days after the end of each calendar quarter, a report listing each price and availability estimate provided by the United States Government during such quarter to a foreign country with respect to a possible sale under this Act of major defense equipment for $7,000,000 or more or of any other defense articles or defense services for $25,000,000 or more. Each such listing shall specify the name of the country to which the estimate was provided, the defense articles or services involved, the quantity involved, and the price estimate provided.

22 USC 2776.

"(b) Such reports shall also list each request received by the United States Government from a foreign country, during the quarter in question, for the issuance of a letter of offer to sell defense articles or defense services if (1) the proposed sale has not been the subject of a listing pursuant to subsection (a) of this section, and (2) the issuance of a letter of offer in accordance with such request would be subject to the requirements of section 36(b) of this Act. Each such listing shall include the name of the country making the request, the date of the request, the defense articles or services involved, the quantity involved, and the price and availability terms requested.".

22 USC 2776.

(b) Section 36(b) of such Act is amended by adding at the end thereof the following new paragraph:

Certification, submittal to Congress.
Supra.

"(4) In addition to the other information required to be contained in a certification submitted to the Congress under this subsection, each such certification shall cite any quarterly report submitted pursuant to section 28 of this Act which listed a price and availability estimate, or a request for the issuance of a letter of offer, which was a basis for the proposed sale which is the subject of such certification.".

AUTHORIZATION AND AGGREGATE CEILING FOR FOREIGN MILITARY SALES CREDITS

22 USC 2771.

SEC. 17. (a) Section 31 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking out "$682,000,000 for the fiscal year 1978 and $674,300,000 for the fiscal year 1979" and inserting in lieu thereof "$673,500,000 for the fiscal year 1980";

(2) in subsection (b), by striking out "$2,152,350,000 for the fiscal year 1978 and $2,085,500,000 for the fiscal year 1979, of which amount for each such year" and inserting in lieu thereof "$2,235,000,000 for the fiscal year 1980, of which";

(3) in subsection (c), by striking out "fiscal year 1979" and inserting in lieu thereof "fiscal year 1980"; and

(4) in subsection (d), by striking out "$150,000,000" and inserting in lieu thereof "$250,000,000".

(b) Of the principal amount of loans guaranteed for the fiscal year 1980 under section 24 of the Arms Export Control Act— 22 USC 2771 note.

(1) with respect to Turkey, not to exceed $50,000,000, 22 USC 2764.

(2) with respect to Greece, not to exceed $42,000,000, and

(3) with respect to Sudan, not to exceed $25,000,000,

shall be repaid in not less than 20 years, following a grace period of 10 years on repayment of principal.

RESTRAINT IN ARMS SALES TO SUB-SAHARAN AFRICA

SEC. 18. Section 33 of the Arms Export Control Act is amended to read as follows: 22 USC 2773.

"SEC. 33. RESTRAINT IN ARMS SALES TO SUB-SAHARAN AFRICA.—It is the sense of the Congress that the problems of Sub-Saharan Africa are primarily those of economic development and that United States policy should assist in limiting the development of costly military conflict in that region. Therefore, the President shall exercise restraint in selling defense articles and defense services, and in providing financing for sales of defense articles and defense services, to countries in Sub-Saharan Africa.".

REPORTS TO THE CONGRESS

SEC. 19. (a) Section 36(a) of the Arms Export Control Act is amended— 22 USC 2776.

(1) by striking out "thirty" in the text preceding paragraph (1) and inserting in lieu thereof "sixty";

(2) by inserting "and" immediately after the semicolon at the end of paragraph (7);

(3) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period; and

(4) by striking out paragraph (9).

(b) Section 43 of such Act is amended by adding at the end thereof the following new subsection: 22 USC 2792.

"(c) Not later than January 15 of each year, the President shall submit to the Congress a report containing an analysis and description of the services performed during the preceding fiscal year by officers and employees of the United States Government carrying out functions on a full-time basis under this Act for which reimbursement is provided under subsection (b) of this section or under section 21(a) of this Act. Such reports shall specify the number of personnel 22 USC 2761. involved in performing such services.".

(c) Section 36(b)(1) of such Act is amended by adding at the end 22 USC 2776. thereof the following: "If the President states in his certification that an emergency exists which requires the proposed sale in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved ".

NATIONAL DISCLOSURE POLICY FOR SENSITIVE WEAPONS TECHNOLOGY

22 USC 2776 note.

Report, transmittal to Congress.

SEC. 20. (a) The President shall undertake a thorough review of the interagency procedures and disclosure criteria used by the United States in determining whether sensitive weapons technology will be transferred to other countries. Not later than February 15, 1980, the President shall transmit a report to the Congress setting forth the results of such review, together with such recommendations as are necessary to improve the current disclosure system.

22 USC 2776.

(b) Section 36(b)(1) of the Arms Export Control Act is amended by inserting after the first sentence the following: "Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles or defense services proposed to be sold."

CEILING ON COMMERCIAL ARMS SALES

22 USC 2778.

SEC. 21. Section 38(b)(3) of the Arms Export Control Act is amended by striking out "$25,000,000" and inserting in lieu thereof "$35,000,000".

DEFINITIONS

22 USC 2403.
22 USC 2794.

SEC. 22. Section 644(d) of the Foreign Assistance Act of 1961 and section 47(3) of the Arms Export Control Act are each amended by inserting "(except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity)" immediately after "source material".

TRANSFER OF WAR RESERVE MATERIEL AND OTHER PROPERTY TO TAIWAN

22 USC 3302 note.

SEC. 23. (a) Notwithstanding any other provision of law, during the calendar year 1980 the President is authorized to transfer to Taiwan, under such terms and conditions as he may deem appropriate, such United States war reserve materiel that was located on Taiwan on January 1, 1979, as he may determine.

(b) Notwithstanding any other provision of law, during the calendar years 1979 and 1980 the President is authorized to transfer to Taiwan, under such terms and conditions as he may deem appropriate, such rights of the United States in property (other than war reserve materiel) that was located on Taiwan on January 1, 1979, as he may determine.

AMMUNITION SOLD TO THAILAND

SEC. 24. The Royal Thai Government shall be released from its contractual obligation to pay to the United States Government such amount as is due on or before October 30, 1979, as a condition precedent under the letter of offer accepted by the Royal Thai Government on April 12, 1977, to the transfer of title to the last increment of United States ammunition stocks sold to the Royal Thai Government under such letter of offer pursuant to the Memorandum of Agreement of March 22, 1977, relating to the storage of ammunition in Thailand.

ASSISTANCE FOR JORDAN

SEC. 25. Funds authorized to be appropriated by the amendments made by sections 5, 9, and 17 of this Act may be used to furnish assistance for Jordan only if the President determines and reports to the Congress that Jordan is acting in good faith to achieve further progress toward a comprehensive peace settlement in the Middle East and that the expenditures of such funds will serve the process of peace in the Middle East. 22 USC 2151 note.

SHABA AIRLIFT

SEC. 26. Notwithstanding any other provision of law, the President is authorized to make available the services of the Department of Defense for the purpose of facilitating the removal from Zaire of those foreign armed forces which were transported to Zaire by the United States at the time of the crisis in Shaba Province in 1978.

FISCAL YEAR 1979 SUPPLEMENTAL AUTHORIZATION FOR TURKEY

SEC. 27. (a) It is hereby determined that the national interests of the United States would be served by the furnishing of additional economic support fund assistance to Turkey in order to promote the economic and political stability of that country, and to strengthen its ability to fulfill its responsibilities as a member of the North Atlantic Treaty Organization. 22 USC 2346c note.

(b) In furtherance of subsection (a) of this section, and in addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President to carry out the purposes of chapter 4 of part II of the Foreign Assistance Act of 1961 $100,000,000 for the fiscal year 1979, which amount shall be available only for Turkey. 92 Stat. 733. 22 USC 2346.

(c) Amounts appropriated under this section may be made available until expended.

(d) Notwithstanding any assistance authorized for Turkey under this Act, it remains the policy of the United States that all foreign troops in Cyprus, except those stationed in Cyprus under the auspices of the United Nations, should be withdrawn from Cyprus. Cyprus.

(e) It is the sense of the Congress that the recent announcement by the leaders of the Greek Cypriots and the Turkish Cypriots to resume intercommunal negotiations is an encouraging recognition by the parties that the human rights and fundamental freedoms of all the citizens of the Republic of Cyprus will be respected. The Congress urges all parties to the negotiations to demonstrate good faith in the negotiations and to move promptly toward a full, just, and lasting settlement.

PROHIBITION ON ASSISTANCE TO PANAMA

SEC. 28. None of the funds authorized to be appropriated by this Act shall be made available to the Republic of Panama or its agencies or instrumentalities. The President may waive this prohibition in order to provide assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (international military education and training), or to provide assistance under section 23 or 24 of the Arms Export Control Act (foreign military sales financing) involving the 22 USC 2151 note. 22 USC 2347. 22 USC 2763, 2764.

financing of sales of defense articles (other than weapons) and defense services, if the President determines that providing such assistance would further the national interests of the United States and reports that determination to the Congress at last 30 days before providing such assistance.

Approved October 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-70 (Comm. on Foreign Affairs) and No. 96-495 (Comm. of Conference).

SENATE REPORT No. 96-136 accompanying S. 584 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Mar. 29, considered and passed House.
May 22, considered and passed Senate, amended, in lieu of S. 584.
Oct. 4, Senate agreed to conference report.
Oct. 16, House agreed to conference report.

Public Law 96-93
96th Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1980, and for other purposes.

Oct. 30, 1979
[H.R. 4580]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1980, and for other purposes, namely:

District of Columbia Appropriation Act, 1980.

TITLE I—TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Act creating the Temporary Commission on Financial Oversight of the District of Columbia (Public Law 94-399), $500,000, which shall be available until expended: *Provided,* That the Temporary Commission on Financial Oversight of the District of Columbia shall have the power to appoint, fix the compensation of, and remove an Executive Director and additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to the appointment in the competitive service. For purposes of pay (other than pay of the Executive Director) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as Congressional employees. The Executive Director may be paid compensation at a rate not to exceed the rate prescribed for level IV of the Federal Executive Salary Schedule.

D.C. Code 47-101 note.

5 USC 5101 *et seq.*, 5331, 5361, 7501 *et seq.*

5 USC 5315.

TITLE II—DISTRICT OF COLUMBIA

Federal Payment to the District of Columbia

For payment to the District of Columbia for the fiscal year ending September 30, 1980, $238,200,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-2501d); and $10,500,000 in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1541 and 1611).

Loans to the District of Columbia for Capital Outlay

For loans to the District of Columbia, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended, $125,000,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Mayor.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $63,456,900, of which $300,000 shall be payable from the revenue sharing trust fund: *Provided*, That not to exceed $2,500 for the Mayor, and $2,500 for the Chairman of the Council of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further*, That for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of this appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That not to exceed $500,000 of this appropriation shall be available for settlement of property damage claims not in excess of $1,500 each and personal injury claims not in excess of $5,000 each: *Provided further*, That $500,000 of this appropriation, to remain available until expended, shall be for the District of Columbia's contribution toward the expenses of the Temporary Commission on Financial Oversight of the District of Columbia, as authorized by Public Law 94-399, approved September 4, 1976.

D.C. Code 47-101 note.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $16,127,000.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of one hundred and thirty-five passenger motor vehicles for replacement only (including one hundred and thirty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year); $295,472,300, of which $5,863,400 shall be payable from the revenue sharing trust fund: *Provided*, That the Police Department is authorized to replace not to exceed twenty-five passenger carrying vehicles, and the Fire Department not to exceed five such vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement: *Provided further*, That funds appropriated for expenses under the Criminal Justice Act of 1974 (Public Law 93-412) for fiscal year 1980 shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That not to exceed $200,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor.

D.C. Code 11-2601 note.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $312,493,500, of which $8,164,100 shall be payable from the revenue sharing trust fund, to be allocated as follows: $232,100,200 for the District of Columbia Public Schools; $22,705,000 for the Teachers' Retirement Fund; $47,611,600 for the University of the District of Columbia; $9,725,200 for the Public Library; and $351,500 for the Commission on the Arts and Humanities: *Provided,* That the District of Columbia Public Schools are authorized to accept not to exceed thirty-one motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $1,000 for the Superintendent of Schools and $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further,* That the $22,705,000 of this appropriation allocated for the Teachers' Retirement Fund shall be transferred to the Teachers' Retirement Fund, in accordance with the provisions of section 7 of the Act of August 7, 1946 (60 Stat. 879, as amended; D.C. Code, sec. 31-727): *Provided further,* That not less than $7,257,800 of this appropriation shall be used exclusively for maintenance of the public schools.

HUMAN SUPPORT SERVICES

Human support services, including care and treatment of indigent patients in institutions under contracts to be made by the Director of the Department of Human Resources, $347,359,500, of which $6,728,200 shall be payable from the revenue sharing trust fund: *Provided,* That the inpatient rate under such contracts shall not exceed $76 per diem and the outpatient rate shall not exceed $12 per visit except for services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under title XIX of the Social Security Act, and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be at the per diem rate established pursuant to 24 U.S.C. 168a: *Provided further,* That total reimbursements to Saint Elizabeths Hospital, including funds from title XIX of the Social Security Act, shall not exceed $18,691,800: *Provided further,* That $5,807,100 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That none of the funds appropriated for the summer youth jobs program shall be obligated until the Subcommittees on the District of Columbia Appropriations of the House of Representatives and the Senate have approved a plan submitted by the Mayor and the City Council detailing proposed expenditures.

42 USC 1396 *et seq.*

TRANSPORTATION SERVICES AND ASSISTANCE

Transportation services and assistance, including rental of one passenger-carrying vehicle for use by the Mayor and purchase of one hundred and twenty-nine passenger-carrying vehicles, of which seventy-eight shall be for replacement only, $92,084,100, of which $7,444,300 shall be payable from the revenue sharing trust fund: *Provided,* That this appropriation shall not be available for the purchase of driver-training vehicles: *Provided further,* That $2,900,000 of this appropriation shall be available for the fiscal year 1978 Metrobus operating subsidy: *Provided further,* That $4,890,400 of this appropriation shall be available for the fiscal year 1979 Metrobus operating subsidy.

ENVIRONMENTAL SERVICES AND SUPPLY

Environmental services and supply, $78,297,800, of which $1,500,000 shall be payable from the revenue sharing trust fund: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses with four or more apartments, or from any building or connected group of buildings operating as a rooming or boarding house as defined in the housing regulations of the District of Columbia.

PERSONAL SERVICES

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia to the appropriations for the fiscal year 1980 from which employees are properly payable, $58,354,500.

REPAYMENT OF LOANS AND INTEREST

D.C. Code 43-1540 note, 43-1616 note, 7-133.
D.C. Code 2-1727.
D.C. Code 9-220.
D.C. Code 43-1623.
D.C. Code 9-220 note and 47-241 note.

For reimbursement to the United States of funds loaned in compliance with the Act of August 7, 1946 (60 Stat. 896), as amended; sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109, and 110), as amended; the Act of July 2, 1954 (68 Stat. 443); section 9 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183), as amended; section 4 of the Act of June 12, 1960 (74 Stat. 211), as amended; and section 723 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198), as amended, including interest as required thereby, $120,457,300.

CAPITAL OUTLAY

D.C. Code 43-1510.
D.C. Code 43-1604, 7-132, 7-133 note.
D.C. Code 9-220.
D.C. Code 40-804.
D.C. Code 1-1443.

For construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 321); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $157,531,300: *Provided*, That $5,378,100 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Mayor, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account "Construction Services, Department of General Services": *Provided further*, That the amount appropriated to the Construction Services Fund, Department of General Services, be limited, during the current fiscal year, to ten per centum of appropriations for all construction projects, except for Project Numbered 24-99, Permanent Improvements, for which construction services shall be limited to twenty per centum of the appropriation: *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on September 30, 1981, except authorizations for projects as to which

D.C. Code 7-135 note.

funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse.

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

SEC. 201. Except as otherwise provided in this title, all vouchers covering expenditures of appropriations contained in this title shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 202. Whenever in this title an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 203. Appropriations in this title shall be available, when authorized or approved by the Mayor, for allowances for privately owned conveyances used for the performance of official duties at 17 cents per mile but not to exceed $60 a month for each automobile and at 11 cents per mile but not to exceed $40 a month for each motorcycle, unless otherwise therein specifically provided, except that one hundred and thirteen (eighteen for venereal disease investigators in the Department of Human Resources) such automobile allowances at not more than $935 each per annum may be authorized or approved by the Mayor.

SEC. 204. Appropriations in this title shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor.

SEC. 205. Appropriations in this title shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

D.C. Code 7-701 note.

SEC. 206. Appropriations in this title shall not be available for the payment of rates for electric current for street lighting in excess of two cents per kilowatt-hour for current consumed.

Refunds and judgement payments.

SEC. 207. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia: *Provided*, That no part of any funds so appropriated shall be used for the payment of any judgment entered by any court against the government of the District of Columbia requiring the payment for electric current for street lighting at a rate in excess of two cents per kilowatt-hour for current consumed: *Provided further*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

D.C. Code 47-1586j.
Public assistance.
D.C. Code 3-204 note.
D.C. Code 3-204.
42 USC 3801 note.

SEC. 208. Appropriations in this title shall be available for the payment of public assistance without reference to the requirement of subsection (b) of section 5 of the District of Columbia Public Assistance Act of 1962 and for the non-Federal share of funds necessary to qualify for Federal assistance under the Act of July 31, 1968 (Public Law 90-445).

Sec. 209. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

D.C. Code 40-501a note.

Sec. 210. No part of any funds appropriated by this title shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Mayor, Chief of Police, and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Mayor, Chief of Police, and Fire Chief). No part of any funds appropriated by this title, in excess of $1,000 per month in the aggregate ($12,000 per annum) shall be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Mayor, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Mayor.

Sec. 211. Not to exceed 4½ per centum of the total of all funds appropriated by this title for personal compensation may be used to pay the cost of overtime or temporary positions.

Travel and per diem expenditures.

Sec. 212. The total expenditure of funds appropriated by this title for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed $225,000.

D.C. Code 1-216 note.

Sec. 213. Appropriations in this title shall not be available, during the fiscal year ending September 30, 1980, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 37,886: *Provided*, That—

(A) positions within this city employment limitation shall be set aside as the maximum number of permanent, authorized employees as follows: Appropriated positions, 33,659 of which 9,652 shall be for Public Schools; reimbursable and revolving fund positions, 1,090; capital outlay positions, 781; District of Columbia General Hospital, 2,356; and

(B) the District of Columbia Public Schools and the District of Columbia General Hospital shall not exceed their respective employment limitations and are hereby required to report monthly to the Mayor, for the purpose of maintaining controls on city-wide employment, regarding the total number of current employees and the total number of separations and filling of positions within their respective employment limitations; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

Sec. 214. No funds appropriated in this title, for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during non-school hours.

Experts and consultants.

Sec. 215. Appropriations in this title shall be available for services as authorized by 5 U.S.C. 3109, at rates to be fixed by the Mayor.

Budget, transmittal to Congress.

Sec. 216. The annual budget for the District of Columbia government for fiscal year 1981 shall be transmitted to the Congress by not later than February 1, 1980. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

SEC. 217. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, D.C. Law 2-20, approved September 23, 1977.

D.C. Code 47-331 note.

SEC. 218. None of the funds contained in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name and salary are not available for public inspection.

SEC. 219. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Abortions, nonavailability of funds; exceptions.

SEC. 220. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Short title.

This Act may be cited as the "District of Columbia Appropriation Act, 1980".

Approved October 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-294 (Comm. on Appropriations) and No. 96-443 (Comm. of Conference).
SENATE REPORT No. 96-257 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 11, 17, considered and passed House.
July 27, considered and passed Senate, amended.
Oct. 16, House agreed to conference report; receded from its disagreement and concurred in one Senate amendment, and in others with amendments.
Oct. 22, Senate agreed to conference report, concurred in House amendments.

Public Law 96-94
96th Congress

An Act

Oct. 31, 1979
[H.R. 5506]

To amend the Energy Policy and Conservation Act to extend for two months certain authorities relating to the international energy program.

International energy authorities, extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "October 31, 1979" and inserting in lieu thereof "November 30, 1979".

Approved October 31, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-511 (Comm. on International and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 22, considered and passed House.
Oct. 31, considered and passed Senate, amended; House concurred in Senate amendment.

Public Law 96-95
96th Congress

An Act

To protect archaeological resources on public lands and Indian lands, and for other purposes.

Oct. 31, 1979
[H.R. 1825]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Archaeological Resources Protection Act of 1979.

SHORT TITLE

SECTION 1. This Act may be cited as the "Archaeological Resources Protection Act of 1979".

16 USC 470aa note.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

16 USC 470aa.

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness;

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and

(4) there is a wealth of archaeological information which has been legally obtained by private individuals for noncommercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this Act.

DEFINITIONS

SEC. 3. As used in this Act—

16 USC 470bb.

(1) The term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological

context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term "Federal land manager" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(3) The term "public lands" means—

(A) lands which are owned and administered by the United States as part of—

(i) the national park system,

(ii) the national wildlife refuge system, or

(iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution;

(4) The term "Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688).

43 USC 1601 note.

(6) The term "person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term "State" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

EXCAVATION AND REMOVAL

Permit application. 16 USC 470cc.

SEC. 4. (a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

(b) A permit may be issued pursuant to an application under subsection (a) if the Federal land manager determines, pursuant to uniform regulations under this Act, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9.

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act.

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 6. Any such permit may be revoked by such Federal land manager upon assessment of a civil penalty under section 7 against the permittee or upon the permittee's conviction under section 6.

(g)(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this section.

(2) In the case of any permits for the excavation or removal of any archaelogical resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

(h)(1) No permit or other permission shall be required under the Act of June 8, 1906 (16 U.S.C. 431–433), for any activity for which a permit is issued under this section.

(2) Any permit issued under the Act of June 8, 1906, shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under the Act of June 8, 1906, before the date of the enactment of this Act which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.

(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f).

(j) Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this Act.

CUSTODY OF RESOURCES

Regulations.
16 USC 470dd.

SEC. 5. The Secretary of the Interior may promulgate regulations providing for—

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this Act, and

(2) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 (16 U.S.C. 469–469c) or the Act of June 8, 1906 (16 U.S.C. 431–433).

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

PROHIBITED ACTS AND CRIMINAL PENALTIES

16 USC 470ee.

SEC. 6. (a) No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4, a permit referred to in section 4(h)(2), or the exemption contained in section 4(g)(1).

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—

(1) the prohibition contained in subsection (a), or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than $10,000 or imprisoned not more than one year, or both: *Provided, however,* That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of $5,000, such person shall be fined not more than $20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than $100,000, or imprisoned not more than five years, or both.

(e) The prohibitions contained in this section shall take effect on the date of the enactment of this Act.

(f) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to an archaeological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

(g) Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

CIVIL PENALTIES

SEC. 7. (a)(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned. 16 USC 470ff.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person. The amount of any penalty assessed under this subsection for any violation shall not exceed an amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.

(b)(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such a person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or

(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty, the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such penalty shall not be subject to review.

(c) Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) shall be conducted in accordance with section 554 of title 5 of the United States Code. The Federal land manager may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Subpenas.

Witness fees.

REWARDS; FORFEITURE

16 USC 470gg.

SEC. 8. (a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under sections 6 and 7 an amount equal to one-half of such penalty or fine, but not to exceed $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of section 6 occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

(1) such person's conviction of such violation under section 6,

(2) assessment of a civil penalty against such person under section 7 with respect to such violation, or

(3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

(c) In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 6 involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 7 and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

CONFIDENTIALITY

16 USC 470hh.

SEC. 9. (a) Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 of the United States Code or under any other provision of law unless the Federal land manager concerned determines that such disclosure would— 5 USC 551.

(1) further the purposes of this Act or the Act of June 27, 1960 (16 U.S.C. 469–469c), and

(2) not create a risk of harm to such resources or to the site at which such resources are located.

(b) Notwithstanding the provisions of subsection (a), upon the written request of the Governor of any State, which request shall state—

(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought,

(3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation,

the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

REGULATIONS; INTERGOVERNMENTAL COORDINATION

Rules and regulations. 16 USC 470ii.

SEC. 10. (a) The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996). Each uniform rule or regulation promulgated under this Act shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

Submittal to congressional committees.

Rules and regulations.

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a), as may be appropriate for the carrying out of his functions and authorities under this Act.

COOPERATION WITH PRIVATE INDIVIDUALS

16 USC 470jj.

SEC. 11. The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this Act, to foster and improve the communication, cooperation, and exchange of information between—

(1) private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this Act, and

(2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and

professional archaeologists and associations of professional archaeologists.

In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this Act, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

SAVINGS PROVISIONS

16 USC 470kk.

SEC. 12. (a) Nothing in this Act shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 3(1).

(c) Nothing in this Act shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

REPORT

16 USC 470*ll*.

SEC. 13. As part of the annual report required to be submitted to the specified committees of the Congress pursuant to section 5(c) of the Act of June 27, 1960 (74 Stat. 220; 16 U.S.C. 469-469a), the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 11 of this Act, relating to cooperation with private individuals.

Approved October 31, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-311 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 96-179 accompanying S. 490 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 125 (1979):
July 9, considered and passed House.
July 30, considered and passed Senate, amended, in lieu of S. 490.
Oct. 12, House agreed to Senate amendments with an amendment.
Oct. 17, Senate concurred in House amendment.

Public Law 96-96
96th Congress

An Act

To amend the Higher Education Act of 1965 to provide that any reduction in the amount appropriated for fiscal year 1980 pursuant to section 101(a) of such Act from the amount so appropriated for fiscal year 1979 shall be borne equally by all the States.

Oct. 31, 1979
[H.R. 5386]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103 of the Higher Education Act of 1965 is amended—

Higher Education Act of 1965, amendment.
20 USC 1003.

(1) by inserting "(a)(1)" after "Sec. 103"; and

(2) by adding after paragraph (1) of subsection (a) (as so redesignated) the following new paragraph:

"(2) From the sums appropriated pursuant to section 101(a) for fiscal year 1980 which are not reserved under section 106(a) or section 111(a), the Commissioner shall allot to each State an amount equal to the product of—

20 USC 1001.
20 USC 1005a.
20 USC 1008b.

"(A) the amount of such State's allotment under paragraph (1) for fiscal year 1979; and

"(B) a fraction, the numerator of which is the amount appropriated pursuant to section 101(a) for fiscal year 1980 (less any amount reserved under section 106(a) or section 111(a)) and the denominator of which is the amount appropriated pursuant to section 101(a) for fiscal year 1979 (less any amount reserved under section 106(a) or section 111(a)).".

Sec. 2. No fiscal year 1979 funds may be withheld from a State under subpart 3 of part A of title IV of the Higher Education Act of 1965 because of a failure of a State to meet the requirement of section 415C(b)(4) of that Act based upon the provisions of a State statute enacted prior to October 1, 1978.

Approved October 31, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-497 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 15, considered and passed House.
Oct. 18, considered and passed Senate, amended.
Oct. 19, House concurred in Senate amendment.

Public Law 96-97
96th Congress

An Act

Oct. 31, 1979
[S. 436]

To amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority.

Tennessee Valley Authority, debt increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 15(d) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831n-4), is amended by striking out "$15,000,000,000" and inserting in lieu thereof "$30,000,000,000".

Approved October 31, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-491 accompanying H.R. 2686 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-175 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 20, considered and passed Senate.
Oct. 22, H.R. 2686 considered and passed House; passage vacated and S. 436 passed in lieu.

Public Law 96-98
96th Congress

An Act

To amend chapter 25 of title 44, United States Code, to extend for one year the authorization of appropriations for the National Historical Publications and Records Commission, and for other purposes.

Nov. 1, 1979
[H.R. 3923]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2504(b) of title 44, United States Code is amended by striking out "June 30, 1975, and for each of the four succeeding fiscal years" and inserting in lieu thereof "September 30, 1981," and by striking out "for each year".

National Historical Publications and Records Commission. Appropriation authorization.

SEC. 2. (a) Effective October 1, 1979, section 2503 of title 44, United States Code, is amended by striking out "instead of subsistence" and everything that follows through the end of such section and inserting in lieu thereof "a per diem allowance in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.".

(b) Section 2501 of title 44, United States Code is amended by inserting "and Records" immediately after "Historical Publications".

Approved November 1, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-141 (Comm. on Government Operations).
SENATE REPORT No. 96-283 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 21, considered and passed House.
Sept. 25, considered and passed Senate, amended.
Oct. 19, House concurred in Senate amendments.

Public Law 96-99
96th Congress

Joint Resolution

Nov. 2, 1979
[H.J. Res. 3]

Designating November 4, 1979, as "Will Rogers Day".

Whereas Will Rogers, in a lifetime of wise and humorous commentary on events in this Nation and throughout the world, made a tremendous contribution to human betterment through his gentle yet penetrating wisdom;

Whereas from Cherokee Indian and European ancestry, born on an Indian territory farm, he was a true product of the frontier civilization of our Great Plains as well as its unique combination in Oklahoma;

Whereas he became world famous as rodeo performer, Broadway entertainer, movie and radio star, and above all as daily columnist for some three hundred and fifty newspapers throughout the United States;

Whereas he became Oklahoma's best known native son and the most celebrated private citizen of the United States in his lifetime;

Whereas Will Rogers possessed the priceless gift of being able to judge people and events both kindly and keenly, personifying affection for his fellow man;

Whereas he improved the standard of public life throughout America by his witty and constructive commentary, making this a better place in which to live; and

Whereas the approaching one hundredth anniversary of his birth is a fitting occasion to dedicate ourselves to a rebirth of the goodwill and public spirit he exemplified: Now, therefore, be it

Will Rogers Day. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate November 4, 1979, as "Will Rogers Day" in commemoration of the one hundredth anniversary of the birth of William Penn Adair Rogers, noted American philosopher-humorist.

Approved November 2, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 26, considered and passed House.
Oct. 31, considered and passed Senate.

Public Law 96-100
96th Congress

An Act

To authorize appropriations for fiscal year 1980 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1979 for the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Nov. 2, 1979
[S. 975]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1980".

Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1980.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1980 for the conduct of the intelligence and intelligence-related activities of the following departments, agencies, and other elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

Classified Schedule of Authorizations.

(b) The amounts authorized to be appropriated under this Act, and the authorized personnel ceilings as of September 30, 1980, for the conduct of the intelligence and intelligence-related activities of the agencies listed in subsection (a) are those listed in the classified Schedule of Authorizations prepared by the committee of conference to accompany the conference report on the bill S. 975, 96th Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(c) Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

FBI, funds to counter terrorism in U.S.

(d) In addition to the amounts authorized to be appropriated under subsection (a)(9), there is authorized to be appropriated for fiscal year 1980 the sum of $12,100,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

Sec. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1980 the sum of $11,500,000.

(b)(1) The Intelligence Community Staff is authorized 245 full-time personnel as of September 30, 1980. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(2) During fiscal year 1980, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(3) During fiscal year 1980, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(c) During fiscal year 1980, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403j) in the same manner as activities and personnel of the Central Intelligence Agency.

Sec. 202. Effective October 1, 1979, section 201 of the Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1979 (Public Law 95-370; 92 Stat. 626) is amended—

(1) by striking out the third sentence of subsection (b); and

(2) by striking out subsection (c).

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1980 the sum of $51,600,000.

TITLE IV—SUPPLEMENTAL AUTHORIZATION, FISCAL YEAR 1979

Sec. 401. In addition to the funds authorized to be appropriated under title I of the Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1979 (Public Law 95-370; 92 Stat. 626), funds are hereby authorized to be appropriated for fiscal year 1979 for the conduct of intelligence and intelligence-related activities of the United States Government in the amounts listed in the classified Schedule of Authorizations described in section 101(b).

TITLE V—TECHNICAL PROVISIONS

Sec. 501. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Sec. 502. Section 5924(4)(B) of title 5, United States Code, relating to payment of travel expenses to and from schools in the United States of dependents of certain employees serving overseas, is amended by striking out "or the United States Information Agency," and inserting in lieu thereof the following: ", the International Communication Agency, the Central Intelligence Agency, or the National Security Agency,".

Approved November 2, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-127, pt. 1, accompanying H.R. 3821 (Comm. on Intelligence), No. 96-127, pt. 2, accompanying H.R. 3821 (Comm. on Armed Services) and No. 96-512 (Comm. of Conference).

SENATE REPORTS: No. 96-71 (Comm. on Intelligence) and No. 96-206 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 125 (1979):

June 20, considered and passed Senate.

July 9, 10, H.R. 3821 considered and passed House; passage vacated and S. 975, amended, passed in lieu.

Oct. 17, Senate agreed to conference report.

Oct. 24, House agreed to conference report.

Public Law 96-101
96th Congress

An Act

Nov. 4, 1979
[S. 1905]

To provide for the orderly restructuring of the Milwaukee Railroad, and for the protection of the employees of such railroad.

Milwaukee Railroad Restructuring Act.
45 USC 901 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Milwaukee Railroad Restructuring Act".

CONGRESSIONAL FINDINGS

45 USC 901.

SEC. 2. (a) Congress hereby finds that—

(1) the severe operating losses and the deteriorating plant and equipment of the Milwaukee Railroad threaten to cause cessation of its operations in the near future;

(2) a cessation of operations by the Milwaukee Railroad would have serious repercussions on the economies of the States in which such railroad principally operates (the States of Washington, Montana, Idaho, North Dakota, South Dakota, Illinois, Iowa, Missouri, Michigan, Indiana, Minnesota, and Wisconsin);

(3) a cessation of operations of the Milwaukee Railroad would result in the loss of many thousands of jobs of railroad workers and other workers whose employment is dependent upon rail service over the lines presently operated by the Milwaukee Railroad;

(4) experienced railroad employees make a valuable contribution toward strengthening the railroad industry; and other railroads have the ability and willingness to employ displaced employees of the Milwaukee Railroad;

(5) the ownership by employees or by employees and shippers of part or all of the Milwaukee Railroad may be a valuable tool in reorganization and should be given serious consideration;

(6) cessation of essential transportation services by the Milwaukee Railroad would endanger the public welfare;

(7) cessation of such services is imminent; and

(8) there is no other practicable means of obtaining funds to meet payroll and other expenses necessary for continuation of services and reorganization of the Milwaukee Railroad.

(b) The Congress declares that emergency measures set forth in this Act must be taken to restructure the Milwaukee Railroad and to avoid the potential unemployment and damage to the economy of the region and of the Nation which a cessation of essential services by the Milwaukee Railroad would otherwise cause.

DEFINITIONS

45 USC 902.

SEC. 3. As used in this Act—

(1) the term "bankruptcy court" means the court having jurisdiction over the reorganization of the Milwaukee Railroad;

(2) the term "Board" means the Railroad Retirement Board;

(3) the term "Commission" means the Interstate Commerce Commission;

(4) the term "employee"—

(A) includes any employee of the Milwaukee Railroad who worked on a line of such railroad the sale of which became effective on October 1, 1979; but

(B) does not include any individual serving as president, vice-president, secretary, treasurer, comptroller, counsel, member of the board of directors, or any other person performing such functions;

(5) the term "Milwaukee Railroad" means the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and

(6) the term "restructured Milwaukee Railroad"—

(A) means the entity operating the lines of the Milwaukee Railroad after the 6-month period beginning on (i) the occurrence of an event described in section 22(b) of this Act, or (ii) April 1, 1980, whichever first occurs; but

(B) does not include (i) any line of the Milwaukee Railroad which is the subject of a proposed sale, transfer, or abandonment pending on the expiration of the 6-month period described in subparagraph (A) of this paragraph, or (ii) any entity formed pursuant to section 6 of this Act.

SALES AND TRANSFERS

SEC. 4. (a) The Milwaukee Railroad may negotiate and enter into agreements to sell, to another rail carrier or any other person, all or any portion of its rail properties used in railroad operations as of October 15, 1979. Such sale agreements may in no event become final and effective until the occurrence of an event described in section 22(b) of this Act, or April 1, 1980, whichever first occurs. In taking action under this subsection, the Milwaukee Railroad may consult with the Secretary of Transportation. 45 USC 903.

(b)(1) The Secretary of Transportation, under the authority of section 5(a)–(e) of the Department of Transportation Act, may develop plans, participate in negotiations, and recommend to the trustee proposals for the sale or transfer of any rail properties of the Milwaukee Railroad which are used in rail operations as of October 15, 1979. In taking action under this paragraph, the Secretary shall give preference to financially responsible persons, including governmental entities, negotiating for the purchase of any lines with the intent of providing common carrier service. 49 USC 1654.

(2) Any sale or transfer proposal developed under paragraph (1) of this subsection shall be submitted to the bankruptcy court. Such a proposal may in no event become final or effective until the occurrence of an event described in section 22(b) of this Act, or April 1, 1980, whichever first occurs.

COURT APPROVED ABANDONMENTS AND SALES

SEC. 5. (a)(1) Upon the occurrence of an event described in section 22(b) of this Act, or on April 1, 1980, whichever first occurs, the bankruptcy court may authorize the abandonment of lines of the Milwaukee Railroad pursuant to section 1170 of title 11 of the United States Code. Pending the expiration of the time for appeal of an abandonment order or the determination of any such appeal, the bankruptcy court may authorize the termination of service on a line to be abandoned, and the order authorizing such termination may not be stayed. In authorizing any abandonment pursuant to this section, the court shall require the carrier to provide a fair arrangement at 45 USC 904. 92 Stat. 2643.

92 Stat. 1439. least as protective of the interests of employees as that required under section 11347 of title 49 of the United States Code.

(2) Prior to the date specified in paragraph (1) of this subsection, the bankruptcy court may hear and consider any request for the abandonment of lines of the Milwaukee Railroad, and may fix the time for the Commission's report on the request, but it may take final action authorizing such abandonment only in accordance with such paragraph (1).

(b)(1) Upon the occurrence of an event described in section 22(b) of this Act, or on April 1, 1980, whichever first occurs, the bankruptcy court may authorize the sale or transfer of a line of the Milwaukee Railroad to be used in continued rail operations, subject to the approval of the Commission under paragraph (2) of this subsection. In authorizing any such sale or transfer, the court shall provide a fair arrangement at least as protective of the interest of employees as that required under section 11347 of title 49 of the United States Code.

(2) The bankruptcy court may not authorize a sale or transfer pursuant to paragraph (1) of this subsection unless an appropriate application with respect to such sale or transfer is initiated with the Commission and, within such time as the court may fix, not exceeding 180 days, the Commission, with or without a hearing, as the Commission may determine, and with or without modification or condition, approves such application, or does not act on such application. Any action or order of the Commission approving, modifying, conditioning, or disapproving such application is subject to review by the court only under sections 706(2)(A), 706(2)(B), 706(2)(C), and 706(2)(D) of title 5 of the United States Code. An application may be initiated with the Commission prior to the date specified in paragraph (1) of this subsection.

(3) Pending review of an application by the Commission pursuant to paragraph (2) of this subsection, the bankruptcy court may, on a preliminary basis, authorize the sale or transfer of lines of the Milwaukee Railroad to another rail carrier. The court may permit the purchasing carrier to operate interim service as a common carrier over the lines to be purchased, without regard to section 10901 of title 49 of the United States Code. In operating such service, the purchasing carrier shall use employees of the Milwaukee Railroad to the extent necessary for the operation of such service. The bankruptcy court may take final action authorizing any such sale or transfer only in accordance with paragraph (1) of this subsection. 92 Stat. 1402.

(c) Nothing in this section shall be deemed to affect the priorities or timing of payment of employee protection which might have existed in the absence of this Act.

EMPLOYEE OR EMPLOYEE-SHIPPER OWNERSHIP PLAN

45 USC 905. SEC. 6. (a)(1) No later than December 1, 1979, an association composed of representatives of national railway labor organizations, employee coalitions, and shippers (or any combination of the foregoing) may submit to the Commission a single plan for converting all or a substantial part of the Milwaukee Railroad into an employee or employee-shipper owned company and a method for implementing such plan. The plan shall include a comprehensive evaluation of the prospects for the financial self-sustainability of the Milwaukee Railroad.

(2) The Commission shall, within 30 days after the date of submission of a plan under paragraph (1) of this subsection, approve the proposed plan if it finds that such plan is feasible. The finding of the

Commission with respect to the feasibility of the plan shall be made pursuant to section 554 of title 5 of the United States Code.

(3) The Commission shall make a finding that the plan submitted under this section is feasible if it determines that—

(A) adequate public and private financing is available to the proponents of such plan;

(B) such plan is fair and equitable to the estate of the Milwaukee Railroad;

(C) implementation of such plan will occur by April 1, 1980;

(D) the railroad proposed to be operated under the plan can be operated on a self-sustaining basis; and

(E) the plan contains an assessment of all operating practices, and includes agreements by labor and management to make implementing changes designed to achieve labor productivity increases (which may include changes in work rules to increase productivity) consistent with safe operations and adequate service.

For purposes of the determinations under this paragraph, adequate financing shall include all sources of private funds, the probable value and priority of valid claims against the estate, and Federal, State, or local funds available under programs (in existence as of January 1, 1980) which are or will be available to the proponent and which the proponent is likely to obtain.

(b) If the Commission finds tnat the plan submitted under this section is feasible, it shall submit its finding to the bankruptcy court. Within 10 days after the date of such submission, the bankruptcy court shall, after a hearing, determine whether such plan is fair and equitable to the estate of the Milwaukee Railroad. The Commission's determination with respect to that issue shall be rebutted only by clear and convincing evidence.

(c) If the Commission finds that the plan is feasible and the bankruptcy court determines that the plan is fair and equitable to the estate of the Milwaukee Railroad, the proponents of such plan shall implement the plan no later than April 1, 1980.

(d) Except as provided in this section, the findings of the Commission with respect to the plan shall not be subject to review.

(e)(1) The trustee of the Milwaukee Railroad shall promptly provide to the person engaged in developing the employee or employee and shipper ownership plan under this section—

(A) its most recent reports on the physical condition of the railroad; and

(B) traffic, revenue, marketing, and other data necessary to determine the amount of the acquisition cost of the railroad or portion of the railroad that would be required to continue rail transportation over the railroad line.

(2) Information provided pursuant to this subsection shall be used only for purposes of preparing a plan and shall not be disclosed to any competitor or, unless necessary in connection with the preparation of the plan, to any customer of the Milwaukee Railroad.

EMERGENCY RAIL SERVICES ACT OF 1970

SEC. 7. (a) Subsection (a) of section 3 of the Emergency Rail Services Act of 1970 (45 U.S.C. 662(a)) is amended by striking out "upon a finding" in the fifth sentence and all that follows in that subsection and inserting in lieu thereof a period.

(b) Section 3 of the Emergency Rail Services Act of 1970 (45 U.S.C. 662) is amended by inserting after subsection (b) the following new subsection:

"(c) The Secretary shall not guarantee any certificate under this section unless such certificate is treated as an expense of administration and receives the highest lien on the railroad's property and priority in payment under the Bankruptcy Act, except that this subsection shall not apply to certificates guaranteed for a railroad that is actively engaged in restructuring, as defined by the Secretary. For purposes of this subsection, the term "restructuring" includes an employee ownership plan or an employee-shipper ownership plan.".

92 Stat. 2549. 11 USC 101 *et seq.*

(c) Section 3(e) of the Emergency Rail Services Act of 1970 (45 U.S.C. 662(e)) is amended—

(1) by striking out "$125,000,000" and inserting in lieu thereof "$200,000,000"; and

(2) by striking out the last sentence thereof, as added by Public Law 96-86.

45 USC 906. 45 USC 661 note.

(d) The Secretary of Transportation shall, under the authority of the Emergency Rail Services Act of 1970, immediately guarantee trustee certificates of the Milwaukee Railroad, on the basis of an estimate of the amount required to be provided under subsection (e) of this section, for purposes of allowing the Milwaukee Railroad, commencing November 1, 1979, to maintain its entire railroad system in accordance with section 22 of this Act, and as required to finance operations which the Milwaukee Railroad continues for the 60-day period beginning on the date of the occurrence of an event described in section 22(b) of this Act or on April 1, 1980, whichever first occurs. Such guarantee shall be made without regard to the findings set forth in section 3(a) of the Emergency Rail Services Act of 1970, and the provisions of section 3(b)(3) and the last two sentences of section 3(d) of such Act shall not apply to such guarantee.

45 USC 906.

(e) The Secretary shall guarantee trustee certificates of the Milwaukee Railroad pursuant to this section in an amount equal to the difference between (1) the total expenses incurred by such railroad attributable to the maintenance and the continuation of service in accordance with subsection (d) of this section, and (2) the revenues of such railroad.

45 USC 906.

(f) Notwithstanding the provisions of section 3(c) of the Emergency Rail Services Act of 1970, certificates guaranteed under this Act shall be subordinated to the claims of any creditors of the Milwaukee Railroad as of the date of enactment of this Act.

45 USC 906.

(g) The Commission shall immediately make available to the Secretary of Transportation the sum of $10,000,000, out of funds available for directed service under title 49 of the United States Code. The Secretary of Transportation shall immediately make such funds available to the trustee of the Milwaukee Railroad for purposes of financing the operations of the Milwaukee Railroad, beginning November 1, 1979, in accordance with section 22 of this Act.

RAILROAD HIRING

45 USC 907.

SEC. 8. Each person who is an employee of the Milwaukee Railroad on September 30, 1979, and who is separated or furloughed from his employment with such railroad (other than for cause) prior to April 1, 1981, as a result of a reduction of service by such railroad shall, unless found to be less qualified than other applicants, have the first right of hire by any other rail carrier that is subject to regulation by the Commission for any vacancy that is not covered by (1) an affirmative action plan, or a hiring plan designed to eliminate discrimination, that is required by Federal or State statute, regulation, or executive order, or by the order of a Federal court or agency, or (2) a permissible voluntary affirmative action plan. For purposes of this section, a rail

Rail carrier.

carrier shall not be considered to be hiring new employees when it recalls any of its own furloughed employees.

EMPLOYEE PROTECTION AGREEMENTS

SEC. 9. (a) The Milwaukee Railroad and labor organizations representing the employees of such railroad may, not later than 20 days after the date of enactment of this Act, enter into an agreement providing protection for employees of such railroad who are adversely affected as a result of a reduction in service by such railroad or a restructuring transaction carried out by such railroad. Such employee protection may include, but need not be limited to, interim employee assistance, moving expenses, employee relocation incentive compensation, and separation allowances. 45 USC 908.

(b) If the Milwaukee Railroad and the labor organizations representing the employees of such railroad are unable to enter into an employee protection agreement under subsection (a) of this section within 20 days after the date of enactment of this Act, the parties shall immediately submit the matter to the National Mediation Board. The National Mediation Board shall attempt, by mediation, to bring the parties to an agreement with respect to employee protection no later than 40 days after the date of enactment of this Act.

(c)(1) If the National Mediation Board is unable to bring the parties to an agreement under subsection (b) of this section within 40 days after the date of enactment of this Act, the Milwaukee Railroad and the labor organizations representing the employees of such railroad shall immediately enter into an employee protection agreement that is fair and equitable.

(2) If an employee protection agreement is entered into under this subsection, any claim of an employee for benefits and allowances under such agreement shall be filed with the Board in such time and manner as the Board by regulation shall prescribe. The Board shall determine the amount for which such employee is eligible under such agreement and shall certify such amount to the Milwaukee Railroad for payment.

(d) Benefits and allowances under an employee protection agreement entered into under this section shall be paid by the Milwaukee Railroad in accordance with section 15 of this Act, and claims of employees for such benefits and allowances shall be treated as administrative expenses of the estate of the Milwaukee Railroad.

SUPPLEMENTARY UNEMPLOYMENT INSURANCE

SEC. 10. (a) Any employee of the Milwaukee Railroad— 45 USC 909.

(1) who (A) is employed by the restructured Milwaukee Railroad, and (B) is separated from that employment by reason of any reduction in service by such railroad prior to April 1, 1984; or

(2) who (A) is separated from his employment with the Milwaukee Railroad in connection with a restructuring transaction carried out by such railroad, and obtains employment, prior to April 1, 1981, with another rail carrier, and (B) is separated from employment with such other carrier prior to April 1, 1984,

shall be entitled to receive monthly supplementary unemployment insurance in accordance with the provisions of this section.

(b) Each employee described in subsection (a) of this section shall be entitled to receive supplementary unemployment insurance during each month in which such employee is not employed, for all or a portion of such month, by the Milwaukee Railroad or another rail carrier. Each such employee shall be entitled to receive such insurance for a total of not more than 36 months, except that—

(1) the period of entitlement for assistance under this section shall not exceed the employee's total months of service with the Milwaukee Railroad; and

(2) no compensation shall be provided under this section after April 1, 1984, unless it is necessary in order to provide an employee with at least 8 months of such insurance, but after such date, such employee only shall receive such 8-month minimum if such employee is not employed continuously after such date.

(c) Supplementary unemployment insurance under this section shall be payable to an employee on a monthly basis in an amount equal to—

(1) eighty percent of such employee's average monthly normal compensation from employment with the Milwaukee Railroad during the period beginning June 1, 1977, and ending on the date of enactment of this Act, less

(2) the sum of (A) the amount of any benefits payable to such employee for such month under the Railroad Unemployment Insurance Act or under any State unemployment insurance program, and (B) the amount of any earnings of such employee for such month from employment or self-employment of any kind.

(d) An application for supplementary unemployment insurance shall be filed with the Board in such time and manner as the Board by regulation shall prescribe.

(e) Any supplementary unemployment insurance received by any employee pursuant to this section shall be considered to be compensation solely—

(1) for purposes of the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

(2) for purposes of determining the compensation received by such employee in any base year under the Railroad Unemployment Insurance Act.

45 USC 367.

(f)(1) The provisions of this section shall not apply to an employee in the event of his resignation, retirement, or discharge for cause from the employment of any rail carrier.

(2) An employee shall not be entitled to receive supplementary unemployment insurance under this section if he has failed to exhaust all seniority rights or other employment rights under applicable collective bargaining agreements.

(3) An employee shall not be entitled to receive supplementary unemployment insurance under this section for any month or portion of a month in which such employee is unemployed due to normal seasonal unemployment patterns in the railroad industry.

(g) For purposes of this section, any employee of the Milwaukee Railroad who is furloughed shall be considered to be separated from his employment.

(h) The first sentence of section 7(b)(7) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(7) is amended—

(1) by striking out "The" and inserting "Notwithstanding any other provision of law, the" in lieu thereof; and

(2) by inserting "and the Milwaukee Railroad Restructuring Act" immediately before the period at the end thereof.

EMPLOYMENT OF MILWAUKEE RAILROAD EMPLOYEES

45 USC 910.

SEC. 11. (a) The Board shall prepare and maintain—

(1) a list of individuals separated from employment with the Milwaukee Railroad who indicate a desire to appear on a list to be available to rail carriers; and

(2) a list of employment, by class and craft, available with rail carriers,

based upon information submitted to the Board by the Milwaukee Railroad and other rail carriers. Upon the request of any rail carrier, the Board shall make available to such carrier a copy of the list described in paragraph (1) of this subsection.

(b) The Board shall maintain the lists required by subsection (a) of this section through December 31, 1984.

NEW CAREER TRAINING ASSISTANCE

45 USC 911.

Sec. 12. (a) Any employee who elects to receive a separation allowance from the Milwaukee Railroad under an employee protection agreement entered into under section 9 of this Act shall be entitled to receive from the Board expenses for training in qualified institutions for new career opportunities.

(b) To be entitled for assistance under this section, an employee must begin his course of training within two years following the date of his separation from employment with the Milwaukee Railroad.

(c) Entitlement to expenses for assistance under this section shall be determined by the Board on the basis of an application therefor filed by an employee with the Board.

(d) No assistance may be provided under this section after April 1, 1984.

(e) As used in this section—

"Expenses."

(1) the term "expenses" means actual expenses paid for room, board, tuition, fees, or educational material in an amount not to exceed $3,000; and

"Qualified institution."

38 USC 1770 *et seq.*

(2) the term "qualified institution" means an educational institution accredited for payment by the Veterans' Administration under chapter 36 of title 38 of the United States Code.

ELECTION

45 USC 912.

92 Stat. 2549.
11 USC 101 *et seq.*
92 Stat. 1337.
49 USC 10101 *et seq.*

Sec. 13. Any employee who receives any assistance under section 10 or section 12 of this Act or under an employee protection agreement entered into under section 9 of this Act shall be deemed to waive any employee protection benefits otherwise available to such employee under the Bankruptcy Act, title 11 of the United States Code, subtitle IV of title 49 of the United States Code, or any applicable contract or agreement.

AUTHORIZATION OF APPROPRIATIONS

45 USC 913.

Sec. 14. (a) There is authorized to be appropriated to provide supplementary unemployment insurance under section 10 of this Act not to exceed $5,000,000.

(b) There is authorized to be appropriated for new career training assistance under section 12 of this Act not to exceed $1,500,000.

(c) There is authorized to be appropriated to the Board to carry out its administrative expenses under this Act not to exceed $750,000.

(d) Amounts appropriated under this section are authorized to remain available until expended.

OBLIGATION GUARANTEES

45 USC 914.

Sec. 15. (a) The Secretary of Transportation, under the authority of section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831), shall guarantee obligations of the Milwaukee Railroad for purposes of providing employee protection in accordance with the terms of the employee protection agreement entered into under section 9 of this Act. Guarantees under this section shall be entered into without regard to the requirements of subsection (g) of section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976. 45 USC 831.

(b) Any obligation guaranteed pursuant to this section shall be treated as an administrative expense of the estate of the Milwaukee Railroad.

(c) The aggregate unpaid principal amount of obligations which may be guaranteed by the Secretary pursuant to this section shall not exceed $75,000,000.

(d) The total liability of the Milwaukee Railroad in connection with benefits and allowances provided under an employee protection agreement entered into under section 9 of this Act shall not exceed $75,000,000.

(e) Except in connection with obligations guaranteed under this section, the United States shall incur no liability in connection with any employee protection agreement entered into under section 9 of this Act.

(f) Section 516 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) shall not apply to any obligation guaranteed under this section.

TRANSACTION ASSISTANCE

Sec. 16. Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) is amended by adding at the end thereof the following new subsections:

"(f) Rehabilitation for Common Carrier Service.—(1) Notwithstanding subsections (a) through (e) of this section (other than subsection (d)(3)), the Secretary shall immediately purchase redeemable preference shares or trustee certificates convertible to redeemable preference shares under this section as necessary to facilitate the rehabilitation and improvement of Milwaukee Railroad property that has been sold or transferred to another person or retained by the restructured Milwaukee Railroad and that will be used for common carrier rail service.

"(2) The Secretary may not take any action under this subsection—

"(A) prior to (i) the occurrence of an event described in section 22(b) of the Milwaukee Railroad Restructuring Act, or (ii) April 1, 1980, whichever first occurs; or *Post*, p. 746.

"(B) after April 1, 1981.

"(3) Funds received from purchases by the Secretary pursuant to this subsection may not be used for the rehabilitation and improvement of any line of railroad which carried less than an average of 3,000,000 gross tons of freight per mile per year during the previous three-year period.

"(g) Limitation.—Not more than 50 percent of the funds made available at any time for the purchase of redeemable preference shares and trustee certificates under this section may be used for the rehabilitation and improvement of the facilities of any single railroad undergoing restructuring.".

COURT APPROVED ABANDONMENTS AND SALES IN PENDING CASES

45 USC 915.
11 USC 205.

Sec. 17. (a) Notwithstanding any other provision of law, in any case pending under section 77 of the Bankruptcy Act on the date of enactment of this Act, the court may authorize the abandonment of lines of railroad pursuant to section 1170 of title 11 of the United States Code. Pending the expiration of the time for appeal of an abandonment order or the determination of any such appeal, the court may authorize the termination of service on a line to be abandoned, and the order authorizing such termination may not be stayed. In authorizing any abandonment pursuant to this section, the court shall require the carrier to provide a fair arrangement at least as protective of the interests of employees as that required under section 11347 of title 49 of the United States Code.

92 Stat. 2643.

92 Stat. 1439.

(b)(1) Notwithstanding any other provision of law, in any case pending under section 77 of the Bankruptcy Act on the date of enactment of this Act, the court may authorize the sale or transfer of a line of railroad to be used in continued rail operations, subject to the approval of the Commission under paragraph (2) of this subsection, if the application with respect to such sale or transfer is filed with the Commission on or after November 1, 1979. In authorizing any such sale or transfer, the court shall provide a fair arrangement at least as protective of the interests of employees as that required under section 11347 of title 49, United States Code.

11 USC 205.

(2) The court described in paragraph (1) may not authorize a sale or transfer pursuant to such paragraph unless an appropriate application with respect to such sale or transfer is initiated with the Commission and, within such time as the court may fix, not exceeding 180 days, the Commission, with or without a hearing, as the Commission may determine, and with or without modification or condition, approves such application, or does not act on such application. Any action or order of the Commission approving, modifying, conditioning, or disapproving such application is subject to review by the court only under sections 706(2)(A), 706(2)(B), 706(2)(C), and 706(2)(D) of title 5 of the United States Code.

(3) Pending review of an application by the Commission pursuant to paragraph (2) of this subsection, the court described in paragraph (1) may, on a preliminary basis, authorize the sale or transfer proposed in such application. The court may permit the purchasing carrier to operate interim service over the lines to be purchased, and in operating such service it shall use employees of the carrier subject to the bankruptcy proceeding to the extent such purchasing carrier deems necessary for the operation of such service.

(c) Any action or order of the Commission approving, modifying, conditioning, or disapproving an application for the sale or transfer of rail property that is filed with the Commission before November 1, 1979, in connection with a case pending under section 77 of the Bankruptcy Act on the date of enactment of this Act—

(1) is subject to review by the court only under sections 706(2)(A), 706(2)(B), 706(2)(C), and 706(2)(D) of title 5 of the United States Code; and

(2) may not be stayed by the Commission.

(d) The authority of the bankruptcy court to authorize abandonments, sales, and transfers of lines of the Milwaukee Railroad shall be governed by the provisions of section 5 of this Act, rather than the provisions of this section.

(e) Nothing in this section shall be deemed to affect the priorities or timing of payment of employee protection which might have existed in the absence of this Act.

DIRECTED SERVICE

45 USC 916. 92 Stat. 1423.

SEC. 18. Until April 1, 1981, the provisions of this Act shall be in lieu of any directed service on any line of the Milwaukee Railroad under section 11125 of title 49 of the United States Code.

APPLICABILITY OF NEPA

45 USC 917. 42 USC 4321 note.

SEC. 19. The provisions of the National Environmental Policy Act shall not apply to transactions carried out pursuant to this Act.

AUTHORITY OF THE RAILROAD RETIREMENT BOARD

45 USC 918.

SEC. 20. (a) The Board may prescribe such regulations as may be necessary to carry out its duties under this Act.

45 USC 362.

(b) In carrying out its duties under this Act, the Board may exercise such of the powers, duties, and remedies provided in subsections (a), (b), and (d) of section 12 of the Railroad Unemployment Insurance Act as are not inconsistent with the provisions of this Act.

PUBLICATIONS AND REPORTS

45 USC 919.

SEC. 21. (a) Within 30 days after the date of enactment of this Act, the Board shall publish, and make available for distribution by the Milwaukee Railroad to all its employees, a document which describes in detail the rights of such employees under sections 8, 9, 10, 11, and 12 of this Act.

Report to Congress.

(b) During the 2-year period beginning on the date of enactment of this Act, the Board shall submit a report to the Congress every 6 months describing its activities under this Act.

CONTINUATION OF SERVICE

45 USC 920.

SEC. 22. (a) Until the occurrence of an event described in subsection (b) of this section, the Milwaukee Railroad (1) shall maintain its entire railroad system, as it existed on October 15, 1979, (2) shall continue no less than the regular level of service provided by it as of that date, and (3) shall not embargo traffic (other than when necessitated by acts of God or safety requirements) or abandon or discontinue service over any part of its railroad system.

(b) The Milwaukee Railroad shall comply with the requirements of subsection (a) of this section until—

(1) an employee or employee-shipper ownership plan is not submitted to the Interstate Commerce Commission within the time period prescribed under section 6(a) of this Act;

(2) the proposed plan is found by the Commission not to be feasible or the Commission does not act within 30 days;

(3) the proposed plan is found by the bankruptcy court not to be fair and equitable to the estate of the Milwaukee Railroad; or

(4) the plan is not implemented within the time period prescribed under section 6(c) of this Act.

AMENDMENT TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973

SEC. 23. Section 211(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(d)) is amended by striking out paragraph (2) and the sentence following that paragraph and inserting in lieu thereof the following:

"(2) increase the principal amount of such loan to such railroad, in an amount not to exceed $4,000,000, only if the Association makes the finding referred to in paragraph (1)(B) of this subsection and determines that such railroad is making a good faith effort to establish an employee stock ownership plan for review and approval by the Association. Any such approval shall be conditioned upon a written commitment that by December 31, 1980, the railroad will adopt an employee stock ownership plan which will acquire qualifying employer securities with a fair market value of $250,000.

The Association may not take any action pursuant to the preceding sentence of this subsection after December 31, 1980.".

REHABILITATION AND IMPROVEMENT FINANCING

SEC. 24. (a) Section 505(b)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(b)(2)) is amended—

(1) by inserting immediately after the comma at the end of clause (A) thereof the following: "except that if the Secretary determines, pursuant to clause (C) of this paragraph, that significant railroad restructuring will result from the project, the Secretary shall not consider the availability of funds from other sources but instead shall consider whether such restructuring benefits would be likely to be achieved if assistance were not provided,"; and

(2) by amending clause (C) thereof to read as follows: "(C) the public benefits, including any significant railroad restructuring, to be realized from the project to be financed in relation to the public costs of such financing and whether the proposed project will return public benefits sufficient to justify such public costs.".

(b) Section 501 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) 'restructuring' means any activity (including a consolidation, coordination, merger, or abandonment) which (A) involves rehabilitation or improvement of a facility or the transfer of a facility, (B) improves the long-term profitability of any railroad, and (C) results in the enhancement of the national rail freight system through the achievement of higher average traffic densities or improved asset utilization.".

OFFICE OF RAIL PUBLIC COUNSEL

SEC. 25. The Office of Rail Public Counsel may appear and be heard in the case in the bankruptcy court involving the reorganization of the Milwaukee Railroad, for purposes of representing affected shippers, localities, and municipalities with respect to the proposed abandonment of any line of the Milwaukee Railroad. 45 USC 921.

EMPLOYEE STOCK OWNERSHIP PLAN FOR SURVIVING PORTION OF MILWAUKEE RAILROAD

SEC. 26. If an event described in section 22(b) of this Act occurs, resulting in the survival of less than the entire Milwaukee Railroad system, then any relief provided for such surviving Milwaukee Railroad system under the Emergency Rail Services Act of 1970 or any other Federal legislation shall be conditioned upon good faith efforts by the trustee or the Milwaukee Railroad, or both, to establish 45 USC 922. 45 USC 661 note.

an employee stock ownership plan which shall embrace the purchase or acquisition of qualifying employer securities of the Milwaukee Railroad equal in value to 25 per centum of the amount of such relief provided.

Approved November 4, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-225 accompanying H.J. Res. 341 (Comm. on Interstate and Foreign Commerce) and No. 96-583 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

- **Oct. 30, considered and passed Senate.**
- **Oct. 30, H.J. Res. 341 considered and passed House; passage vacated and S. 1905, amended, passed in lieu.**
- **Nov. 2, House and Senate agreed to conference report.**

Public Law 96-102
96th Congress

An Act

To establish an emergency program for the conservation of energy and to provide for a standby rationing plan for motor fuel.

Nov. 5, 1979
[S. 1030]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Emergency Energy Conservation Act of 1979.
42 USC 8501 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Energy Conservation Act of 1979".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STANDBY MOTOR FUEL RATIONING

Sec. 101. Findings.
Sec. 102. Report on plan development.
Sec. 103. Procedures for developing and implementing rationing plan.
Sec. 104. Required elements of rationing plan.
Sec. 105. Technical and conforming amendments.

TITLE II—EMERGENCY ENERGY CONSERVATION

Sec. 201. Findings and purposes.
Sec. 202. Definitions.

PART A—EMERGENCY ENERGY CONSERVATION PROGRAM

Sec. 211. National and State emergency conservation targets.
Sec. 212. State emergency conservation plan.
Sec. 213. Standby Federal conservation plan.
Sec. 214. Judicial review.
Sec. 215. Reports.

PART B—OTHER AUTOMOBILE FUEL PURCHASE MEASURES

Sec. 221. Minimum automobile fuel purchases.
Sec. 222. Out-of-State vehicles to be exempted from odd-even motor fuel purchase restrictions.

PART C—BUILDING TEMPERATURE RESTRICTIONS

Sec. 231. Amendment to Energy Policy and Conservation Act.

PART D—STUDIES

Sec. 241. Studies.
Sec. 242. Middle distillate monitoring program.

PART E—ADMINISTRATIVE PROVISIONS

Sec. 251. Administration.

TITLE III—GENERAL PROVISIONS

Sec. 301. Funding for fiscal years 1979 and 1980.
Sec. 302. Effective date.

TITLE I—STANDBY MOTOR FUEL RATIONING

SEC. 101. FINDINGS.

42 USC 6261 note.

The Congress finds that—

(1) a standby rationing plan for gasoline and diesel fuel should provide, to the maximum extent practicable, that the burden of reduced supplies of gasoline and diesel fuel be shared by all persons in a fair and equitable manner and that the economic and social impacts of such plan be minimized; and

(2) such a plan should be sufficiently flexible to respond to changed conditions and sufficiently simple to be effectively administered and enforced.

SEC. 102. REPORT ON PLAN DEVELOPMENT.

42 USC 6261 note.

(a) REPORT.—As soon as practicable after the date of the enactment of this Act (but in no event later than 120 days after such date of enactment), the President shall prepare, and transmit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report describing the measures taken after such date of enactment (and the costs thereof) to establish a system of rationing of gasoline and diesel fuel pursuant to sections 201 and 203 of the Energy Policy and Conservation Act (42 U.S.C. 6261, 6263), together with a description of the additional measures to be taken in establishing such system, a timetable for completion of such measures, and an estimate of the costs thereof.

(b) SPECIFIC ISSUES TO BE ADDRESSED IN REPORT.—The report under subsection (a) shall include—

(1) a description of the extent to which ration coupons or other evidences of right under such a rationing system would be distributed to each end-user of gasoline or diesel fuel on the basis of such end-user's needs, and an explanation of the extent to which such distribution would not be based on such end-user's needs;

(2) an analysis of having the entitlement under the rationing system to such end-user rights be granted on the basis of individuals licensed to operate motor vehicles on the public roads and highways, and an explanation of the extent to which such entitlement will be granted on that basis;

(3) a description of the extent to which the rationing system would meet the needs and hardships of end-users by the use of local boards as provided for under section 203(d) of such Act (42 U.S.C. 6263(d)), and an explanation of the extent to which such boards would not be used;

Handicapped persons.

(4) a description of how the rationing system complies with the objective of providing for the mobility needs of handicapped persons (including means for their obtaining such end-user rights) as required under section 203(a)(2)(A) of such Act (42 U.S.C. 6263(a)(2)(A)); and

(5) a description of the steps to be taken to provide adequate end-user allocation under the rationing system for the needs of those in suburban and rural areas, particularly mid-sized cities, small towns, and rural communities, not adequately served by any public transportation system.

(c) COMMITTEES TO BE KEPT CURRENTLY INFORMED.—The President shall keep such committees fully and currently informed about the progress in establishing and administering a system of rationing and of any problems and delays in establishing and administering the system.

(d) Additional Report.—90 days after the report is transmitted under subsection (a), the President shall prepare and transmit to each such committee another report unless a rationing contingency plan has been prescribed and transmitted to each House of the Congress during the preceding 90-day period. Such report shall contain the same information as required for the report under subsection (a), except that such information shall be made current to the date of the report.

(e) Public Notice of Reports.—The President shall provide public notice of any report under subsection (a) or (d) at the time of its transmittal, shall make such report available to the public, and shall transmit copies of such report to the Governors of the various States.

SEC. 103. PROCEDURES FOR DEVELOPING AND IMPLEMENTING RATIONING PLAN.

(a) Plan Development.—Section 203(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6263(a)) is amended by striking out "The President shall prescribe," and inserting in lieu thereof "As soon as practicable after the date of the enactment of the Emergency Energy Conservation Act of 1979, the President shall prescribe,", and by adding at the end thereof the following new sentence: "The President, to the maximum extent practicable, shall consult with the Governors of the various States (or the representatives of such Governors) during the development of any rationing contingency plan under this section.".

Ante, p. 749.
Consultation with Governors.

(b) Plan Approval and Implementation.—(1) Section 201(e) of such Act (42 U.S.C. 6261(e)) is amended to read as follows:

"(e)(1) For purposes of this subsection, any rationing contingency plan shall be considered to be approved if—

"(A) the President has transmitted such rationing contingency plan to the Congress in accordance with section 552, and

42 USC 6422.

"(B) such rationing contingency plan has not been disapproved by a joint resolution adopted into law after passage by both Houses of the Congress in accordance with section 552.

"(2)(A) Except to the extent provided under subparagraph (B), the President may put into effect a rationing contingency plan which is considered approved under the preceding provisions of this subsection only if—

"(i) the President has found, in his discretion, that putting such rationing contingency plan into effect is required by a severe energy supply interruption or is necessary to comply with obligations of the United States under the international energy program, subject to paragraph (3);

"(ii) the President has transmitted such finding to the Congress in accordance with section 551, together with a request to put such rationing contingency plan into effect; and

42 USC 6421.

"(iii) neither House of the Congress has disapproved (or both Houses have approved) such request in accordance with the procedures specified in section 551.

"(B)(i) The President may put into effect such an approved rationing plan without the finding required under subparagraph (A)(i) (and without regard to the requirements of subparagraph (A) (ii) and (iii)) if—

"(I) the President has transmitted to the Congress in accordance with section 552 a request to waive such requirements; and

"(II) such request has been approved by a resolution by each House of the Congress within 30 days of continuous session of Congress after the date of its transmittal, in accordance with the

42 USC 6422.

provisions of section 552 applicable thereunder to energy conservation contingency plans.

"(ii) Any authority to put a rationing contingency plan into effect under clause (i) pursuant to a request under such clause shall terminate on the 60th calendar day after the date on which a resolution approving that request is adopted by the second House to have so approved that request.

"(iii) In applying the provisions of section 552 for purposes of this subparagraph—

"(I) subsections (b), (d)(2)(B), and (d)(7) shall not apply;

"(II) the references to 60 calendar days and 20 calendar days shall be considered to refer to 30 calendar days and 10 calendar days, respectively; and

"(III) the references to any contingency plan shall be considered to refer to a request under this subparagraph.

"(3) For purposes of paragraph (2)—

"Severe energy supply interruption."

"(A) The term 'severe energy supply interruption' means a national energy supply shortage which the President determines—

"(i) has resulted or is likely to result in a daily shortfall in the United States of gasoline, diesel fuel, and No. 2 heating oil supplies for a period in excess of 30 days (including reductions as a result of an allocation away from the United States under the international energy program) of an amount equal to 20 percent or more of projected daily demand for such supplies;

"(ii) is not manageable under other energy emergency authorities, including any energy conservation contingency plans approved under subsection (b) and any emergency conservation authority available under title II of the Emergency Energy Conservation Act of 1979;

Post, p. 757.

"(iii) is expected to persist for a period of time sufficient to seriously threaten the adequacy of domestic stocks of gasoline, diesel fuel, and No. 2 heating oil; and

"(iv) is having or can reasonably be expected to have a major adverse impact on national health or safety or the national economy.

Projected daily demand.

"(B) For purposes of determining the shortfall of supplies under subparagraph (A)(i), the projected daily demand for gasoline, diesel fuel, and No. 2 heating oil supplies shall be the amount of such supplies that were available during any consecutive period of 12 calendar months which the President considers appropriate and which occurred during the 36 calendar month period which immediately precedes the month in which such finding is made, such amount to be adjusted—

"(i) to take into account, for the period between the base period and the month in which the determination is made, the normal growth in demand for gasoline, diesel fuel, and No. 2 heating oil, as determined by the President on the basis of growth experienced during the 36-month period from which the base period was selected; and

"(ii) to take into account seasonal variations in demand for such fuels, as determined by the President.

"Necessary to comply with obligations of the United States under the international energy program."

"(C) The term 'necessary to comply with obligations of the United States under the international energy program' refers to a necessity which the President determines to have impacts comparable to those provided for in subparagraph (A) of this paragraph.

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"(4)(A) A rationing contingency plan may not be amended after it is transmitted to the Congress and before it is considered approved under paragraph (1).

"(B) Except as provided in subparagraphs (C) and (D), a rationing contingency plan which is considered approved under this subsection may not be amended other than by an amendment with respect to which—

"(i) a period of 15 calendar days of continuous session (within the meaning of section 552(c)) has passed after the receipt of the proposed amendment by the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate; or

42 USC 6422.

"(ii) each such committee before the expiration of such period has transmitted to the President written notice stating in substance that such committee has no objection to the proposed amendment.

"(C) Except as provided in subparagraph (D), a rationing contingency plan may not be amended during any period in which such plan is in effect pursuant to paragraph (2) unless the President has transmitted such amendment to the Congress in accordance with section 551(b), and neither House of Congress has disapproved (or both Houses have approved) such amendment in accordance with the procedures specified in section 551.

42 USC 6421.

"(D) The requirements of subparagraphs (B) and (C) shall not apply with respect to any amendment which is a technical or clerical amendment.".

(2)(A) Section 552(b) of such Act (42 U.S.C. 6422(b)) is amended—

(i) by striking out "No such contingency plan" and inserting in lieu thereof "(1) No such energy conservation contingency plan";

(ii) by striking out "(d)(2)" and inserting in lieu thereof "(d)(2)(A)"; and

(iii) by adding at the end thereof the following new paragraph:

"(2)(A) Subject to subparagraph (B), any such rationing contingency plan shall be considered approved for purposes of section 201(d) only if such plan is not disapproved by a resolution described in subsection (d)(2)(B)(i) which passes each House of the Congress during the 30-calendar-day period of continuous session after the plan is transmitted to such Houses and which thereafter becomes law.

42 USC 6261.

"(B) A rationing contingency plan may be considered approved prior to the expiration of the 30-calendar-day period after such plan is transmitted if a resolution described in subsection (d)(2)(B)(ii) is passed by each House of the Congress and thereafter becomes law.".

(B) Section 552(c)(2) of such Act (42 U.S.C. 6422(c)(2)) is amended by striking out "60-calendar-day period" and insert in lieu thereof "calendar-day period involved".

(C) Section 552(d)(2) of such Act (42 U.S.C. 6422(d)(2)) is amended—

(i) by striking out "For purposes of this subsection," and inserting in lieu thereof "(A) For purposes of applying this section with respect to any energy conservation contingency plan,"; and

(ii) by adding at the end thereof the following new subparagraph:

"(B) For purposes of applying this subsection with respect to any rationing contingency plan (other than pursuant to section 201(d)(2)(B)), the term 'resolution' means only a joint resolution described in clause (i) or (ii) of this subparagraph with respect to such plan.

"Resolution."

"(i) A joint resolution of either House of the Congress (I) which is entitled: 'Joint resolution relating to a rationing contingency plan.', (II) which does not contain a preamble, and (III) the matter after the resolving clause of which is: 'That the Congress of the United States disapproves the rationing contingency plan transmitted to the Congress on , 19 .', the blank spaces therein appropriately filled.

"(ii) A joint resolution of either House of the Congress (I) which is entitled: 'Joint resolution relating to a rationing contingency plan.', (II) which does not contain a preamble, and (III) the matter after the resolving clause of which is: 'That the Congress of the United States does not object to the rationing contingency plan transmitted to the Congress on , 19 .', the blank spaces therein appropriately filled.".

(D) Section 552(d)(4)(A) of such Act (42 U.S.C. 6422(d)(4)(A)) is amended by inserting after "after its referral" the following: "in the case of any energy conservation contingency plan or at the end of 10 calendar days after its referral in the case of any rationing contingency plan".

(E) Section 552(d)(4)(B) of such Act (42 U.S.C. 6422(d)(4)(B)) is amended by striking out "An amendment" in the second sentence and inserting in lieu thereof "Except to the extent provided in paragraph (7)(A), an amendment".

(F) Section 552(d)(5)(B) of such Act (42 U.S.C. 6422(d)(5)(B)) is amended by striking out "An amendment" in the third sentence and inserting in lieu thereof "Except to the extent provided in paragraph (7)(B), an amendment".

(G) Section 552(d) of such Act (42 U.S.C. 6422(d)) is amended by adding at the end thereof the following new paragraph:

"(7) With respect to any rationing contingency plan—

"(A) In the consideration of any motion to discharge any committee from further consideration of any resolution on any such plan, it shall be in order after debate allowed for under paragraph (4)(B) to offer an amendment in the nature of a substitute for such motion—

"(i) consisting of a motion to discharge such committee from further consideration of a resolution described in paragraph (2)(B)(i) with respect to any rationing contingency plan, if the discharge motion sought to be amended relates to a resolution described in paragraph (2)(B)(ii) with respect to the same such plan, or

"(ii) consisting of a motion to discharge such committee from further consideration of a resolution described in paragraph (2)(B)(ii) with respect to any rationing contingency plan, if the discharge motion sought to be amended relates to a resolution described in paragraph (2)(B)(i) with respect to the same such plan.

An amendment described in this subparagraph shall not be amendable. Debate on such an amendment shall be limited to not more than 1 hour, which shall be divided equally between those favoring and those opposing the amendment.

"(B) In the consideration of any resolution on any such plan which has been reported by a committee, it shall be in order at any time during the debate allowed for under paragraph (5)(B) to offer an amendment in the nature of a substitute for such resolution—

"(i) consisting of the text of a resolution described in paragraph (2)(B)(i) with respect to any rationing contingency plan, if the resolution sought to be amended is a resolution described in paragraph (2)(B)(ii) with respect to the same such plan, or "(ii) consisting of the text of a resolution described in paragraph (2)(B)(ii) with respect to any rationing contingency plan, if the resolution sought to be amended is a resolution described in paragraph (2)(B)(i) with respect to the same such plan.

An amendment described in this subparagraph shall not be amendable.

"(C) If one House receives from the other House a resolution with respect to a rationing contingency plan, then the following procedure applies:

"(i) the resolution of the other House with respect to such plan shall not be referred to a committee;

"(ii) in the case of a resolution of the first House with respect to such plan—

"(I) the procedure with respect to that or other resolutions of such House with respect to such plan shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(II) on any vote on final passage of a resolution of the first House with respect to such plan a resolution from the other House with respect to such plan which has the same effect shall be automatically substituted for the resolution of the first House.

"(D) Notwithstanding any of the preceding provisions of this subsection, if a House has approved a resolution with respect to a rationing contingency plan, then it shall not be in order to consider in that House any other resolution under this section with respect to the approval of such plan.".

(c) ELIMINATION OF CERTAIN ADMINISTRATIVE REQUIREMENTS.—(1) Section 201(f) of such Act (42 U.S.C. 6261(f)) is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding provisions of this subsection, such economic analysis and evaluation is not required to be performed, or transmitted to the Congress, under this subsection in the case of any rationing contingency plan.".

(2) Section 203 of such Act (42 U.S.C. 6263) is amended by adding at the end thereof the following new subsection:

"(g) Any authority of the President with respect to a rationing contingency plan under this Act which is delegated to the Secretary shall be exercised by the Secretary without regard to section 404 of the Department of Energy Organization Act (42 U.S.C. 7174).".

SEC. 104. REQUIRED ELEMENTS OF RATIONING PLAN.

Section 203(a) of the Energy Policy and Conservation Act (42 U.S.C. 6263(a)), as amended by section 103, is further amended by adding at the end thereof the following new paragraph:

"(3) Any rationing contingency plan prescribed under this section shall provide that—

"(A) the end-user rights specified in paragraph (1) shall be distributed on a State-to-State basis that results in the degree of shortfall from the base period use being equally shared among the various States, considering the most recent base period use data available;

"(B) to the maximum extent practicable, such rights shall be made available to classes of end-users on a basis which takes into account fairly the relative needs of such end-users; and

"(C) adequate end-user rights are available to carry out paragraph (1) (A) and (B) as required under paragraph (1).".

SEC. 105. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS.—(1) Section 201 of the Energy Policy and Conservation Act (42 U.S.C. 6261), as amended by section 103, is further amended by striking out subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Section 201(b) of such Act (42 U.S.C. 6261(b)) is amended by striking out "Except as otherwise provided in subsection (d) or (e) and subject to the requirements of subsection (c), no contingency plan may become effective" and inserting in lieu thereof "Except as otherwise provided in subsection (c), no energy conservation contingency plan may become effective".

(3) Section 201(c) (as redesignated) of such Act (42 U.S.C. 6261(d)) is amended by striking out "a contingency plan" each place it appears and inserting in lieu thereof "an energy conservation contingency plan".

(4) Section 552(d)(2)(A) of such Act (42 U.S.C. 6422(d)(2)) is amended by inserting "energy conservation" before "contingency plan" each place such term appears.

(5) Section 201(e) (as redesignated) of such Act (42 U.S.C. 6261(f)) is amended by striking out "or (e)(1)(B)" and inserting in lieu thereof "or (d)(1)".

(b) TECHNICAL AMENDMENTS.—(1) Section 203(d)(2) of such Act (42 U.S.C. 6263(d)(2)) is amended—

(A) by striking out all that precedes subparagraph (A) and inserting in lieu thereof the following:

"(2) Any rationing contingency plan under this section shall set forth—"; and

(B) by striking out "his" in subparagraph (A) and inserting in lieu thereof "the President's".

(2) Section 203(d)(3)(A) of such Act (42 U.S.C. 6263(d)(3)(A)) is amended by striking out "following the establishment of criteria and procedures under paragraph (2)" and inserting in lieu thereof "beginning 30 days (or such earlier date as the President considers appropriate) after a rationing contingency plan is considered approved under this section".

(3) Section 203 of such Act (42 U.S.C. 6263) is amended by striking out "paragraph (1)" where it appears in subsections (d)(1)(B) and (e)(3) and inserting in lieu thereof "subsection (a)(1)".

(4) Section 203 of such Act (42 U.S.C. 6263) is further amended—

(A) in subsection (a)(1) thereof, by striking out "in accordance with section 523(a) of this Act"; and

42 USC 6393.

(B) by adding at the end thereof the following new subsection:

"(h) Any rationing contingency plan, or any amendment thereto, as well as any regulation thereunder, shall be prescribed in accordance with section 523(a), except that the period for any oral or written comments on any such proposed plan, amendment, or regulation may not extend beyond the 45th day after the date of the publication of the notice of the proposed plan, amendment, or regulation.".

42 USC 6263.

(5) Section 203 of such Act, as amended by paragraph (4), is further amended by adding at the end thereof the following new subsection:

"(i) Any ration coupon or any other evidence of right prepared by or on behalf of the United States for use in connection with a rationing contingency plan shall be considered to be an obligation or other security of the United States for purposes of title 18, United States Code.".

42 USC 6422.
42 USC 6261.

(6) Section 552(b)(1) of such Act is amended by striking out "section 201(a)(2)" and inserting in lieu thereof "section 201(b)".

TITLE II—EMERGENCY ENERGY CONSERVATION

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that— 42 USC 8501.

(1) serious disruptions have recently occurred in the gasoline and diesel fuel markets of the United States;

(2) it is likely that such disruptions will recur;

(3) interstate commerce is significantly affected by those market disruptions;

(4) an urgent need exists to provide for emergency conservation and other measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources in potentially short supply in order to cope with market disruptions and protect interstate commerce; and

(5) up-to-date and reliable information concerning the supply and demand of gasoline, diesel fuel, and other related data is not available to the President, the Congress, or the public.

(b) PURPOSES.—The purposes of this title are to—

(1) provide a means for the Federal Government, States, and units of local government to establish emergency conservation measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources which may be in short supply;

(2) establish other emergency measures to alleviate disruptions in gasoline and diesel fuel markets;

(3) obtain data concerning such fuels; and

(4) protect interstate commerce.

SEC. 202. DEFINITIONS.

For purposes of this title— 42 USC 8502.

(1) The term "severe energy supply interruption", when used with respect to motor fuel or any other energy source, means a national energy supply shortage of such energy source which the President determines—

(A) is, or is likely to be, of significant scope and duration;

(B) may cause major adverse impact on national security or the national economy; and

(C) results, or is likely to result, from an interruption in the energy supplies of the United States, including supplies of imported petroleum products, or from sabotage or an act of God.

(2) The term "international energy program" has the meaning given that term in section 3(7) of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(3) The term "motor fuel" means gasoline and diesel fuel.

(4) The term "person" includes (A) any individual, (B) any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, and (C) the government or any agency of the United States or any State or political subdivision thereof.

(5) The term "vehicle" means any vehicle propelled by motor fuel and manufactured primarily for use on public streets, roads, and highways.

(6) The term "Secretary" means the Secretary of Energy.

(7) The term "Governor" means the chief executive officer of a State.

(8) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

Part A—Emergency Energy Conservation Program

SEC. 211. NATIONAL AND STATE EMERGENCY CONSERVATION TARGETS.

42 USC 8511.

(a) DETERMINATION AND PUBLICATION OF TARGETS.—(1) Whenever the President finds, with respect to any energy source for which the President determines a severe energy supply interruption exists or is imminent or that actions to restrain domestic energy demand are required in order to fulfill the obligations of the United States under the international energy program, the President, in furtherance of the purposes of this title, may establish monthly emergency conservation targets for any such energy source for the Nation generally and for each State.

Transmittal to Congress.

(2) Any finding of the President under paragraph (1) shall be promptly transmitted to the Congress, accompanied by such information and analysis as is necessary to provide the basis for such finding, and shall be disseminated to the public.

(3)(A) The State conservation target for any energy source shall be equal to (i) the State base period consumption reduced by (ii) a uniform national percentage.

"State base period consumption."

(B) For the purposes of this subsection, the term "State base period consumption" means, for any month, the product of the following factors, as determined by the President:

(i) the consumption of the energy source for which a target is established during the corresponding month in the 12-month period prior to the first month for which the target is established; and

(ii) a growth adjustment factor, which shall be determined on the basis of the trends in the use in that State of such energy source during the 36-month period prior to the first month for which the target is established.

(C)(i) The President shall adjust, to the extent he determines necessary, any State base period consumption to insure that achievement of a target established for that State under this subsection will not impair the attainment of the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(b)(1)).

(ii) The President may, to the extent he determines appropriate, further adjust any State base period consumption to reflect—

(I) reduction in energy consumption already achieved by energy conservation programs;

(II) energy shortages which may affect energy consumption; and

(III) variations in weather from seasonal norms.

(D) For purposes of this subsection, the uniform national percentage shall be designed by the President to minimize the impact on the domestic economy of the projected shortage in the energy source for which a target is established by saving an amount of such energy source equivalent to the projected shortage, taking into consideration such other factors related to that shortage as the President considers appropriate.

Publication in Federal Register.

(b) NOTIFICATION AND PUBLICATION OF TARGETS.—The President shall notify the Governor of each State of each target established under subsection (a) for that State, and shall publish in the Federal Register, the targets, the base period consumption for each State and other data on which the targets are based, and the factors considered under subsection (a)(3).

(c) ESTABLISHMENT OF TARGETS FOR FEDERAL AGENCIES.—In connection with the establishment of any national target under subsection (a) the President shall make effective an emergency energy conservation plan for the Federal Government, which plan shall be designed to achieve an equal or greater reduction in use of the energy source for which a target is established than the national percentage referred to in subsection (a)(3)(D). Such plan shall contain measures which the President will implement, in accordance with other applicable provisions of law, to reduce on an emergency basis the use of energy by the Federal Government. In developing such plan the President shall consider the potential for emergency reductions in energy use—

(1) by buildings, facilities, and equipment owned, leased, or under contract by the Federal Government; and

(2) by Federal employees and officials through increased use of car and van pooling, preferential parking for multipassenger vehicles, and greater use of mass transit.

(d) REVIEW OF TARGETS.—(1) From time to time, the President shall review and, consistent with subsection (a), modify to the extent the President considers appropriate the national and State energy conservation targets established under this subsection.

(2) Any modification under this paragraph shall be accompanied by such information and analysis as is necessary to provide the basis therefor and shall be available to the Congress and the public.

(3)(A) Before the end of the 12th month following the establishment of any conservation target under this section, and annually thereafter while such target is in effect, the President shall determine, for the energy source for which that target was established, whether a severe energy supply interruption exists or is imminent or that actions to restrain domestic energy demand are required in order to fulfill the obligations of the United States under the international energy program. The President shall transmit to the Congress and make public the information and other data on which any determination under this subparagraph is based.

Transmittal to Congress.

(B) If the President determines such an energy supply interruption does not exist or is not imminent or such actions are not required, the conservation targets established under this section with respect to such energy source shall cease to be effective.

Publication in Federal Register.

(e) DETERMINATION AND PUBLICATION OF ACTUAL CONSUMPTION NATIONALLY AND STATE-BY-STATE.—Each month the Secretary shall determine and publish in the Federal Register (1) the level of consumption for the most recent month for which the President determines accurate data is available, nationally and for each State, of any energy source for which a target under subsection (a) is in effect, and (2) whether the targets under subsection (a) have been substantially met or are likely to be met.

(f) PRESIDENTIAL AUTHORITY NOT TO BE DELEGATED.—Notwithstanding any other provision of law, the authority vested in the President under this section may not be delegated.

SEC. 212. STATE EMERGENCY CONSERVATION PLAN.

42 USC 8512.

(a) STATE EMERGENCY CONSERVATION PLANS.—(1)(A) Not later than 45 days after the date of the publication of an energy conservation target for a State under section 211(b), the Governor of that State shall submit to the Secretary a State emergency conservation plan designed to meet or exceed the emergency conservation target in effect for that State under section 211(a). Such plan shall contain such information as the Secretary may reasonably require. At any time, the Governor may, with the approval of the Secretary, amend a plan established under this section.

Publication in Federal Register.

(B) The Secretary may, for good cause shown, extend to a specific date the period for the submission of any State's plan under subparagraph (A) if the Secretary publishes in the Federal Register notice of that extension together with the reasons therefor.

(2) Each State is encouraged to submit to the Secretary a State emergency conservation plan as soon as possible after the date of the enactment of this Act and in advance of such publication of any such target. The Secretary may tentatively approve such a plan in accordance with the provisions of this section. For the purposes of this part such tentative approval shall not be construed to result in a delegation of Federal authority to administer or enforce any measure contained in a State plan.

(b) CONSERVATION MEASURES UNDER STATE PLANS.—(1) Each State emergency conservation plan under this section shall provide for emergency reduction in the public and private use of each energy source for which an emergency conservation target is in effect under section 211. Such State plan shall contain adequate assurances that measures contained therein will be effectively implemented in that State. Such plan may provide for reduced use of that energy source through voluntary programs or through the application of one or more of the following measures described in such plan:

(A) measures which are authorized under the laws of that State and which will be administered and enforced by officers and employees of the State (or political subdivisions of the State) pursuant to the laws of such State (or political subdivisions); and

(B) measures—

(i) which the Governor requests, and agrees to assume, the responsibility for administration and enforcement in accordance with subsection (d);

(ii) which the attorney general of that State has found that (I) absent a delegation of authority under Federal law, the Governor lacks the authority under the laws of the State to invoke, (II) under applicable State law, the Governor and other appropriate State officers and employees are not prevented from administering and enforcing under a delegation of authority pursuant to Federal law; and (III) if implemented, would not be contrary to State law; and

(iii) which either the Secretary determines are contained in the standby Federal conservation plan established under section 213 or are approved by the Secretary, in his discretion.

(2) In the preparation of such plan (and any amendment to the plan) the Governor shall, to the maximum extent practicable, provide for consultation with representatives of affected businesses and local governments and provide an opportunity for public comment.

(3) Any State plan submitted to the Secretary under this section may permit persons affected by any measure in such plan to use alternative means of conserving at least as much energy as would be conserved by such measure. Such plan shall provide an effective procedure, as determined by the Secretary, for the approval and enforcement of such alternative means by such State or by any political subdivision of such State.

(c) APPROVAL OF STATE PLANS.—(1) As soon as practicable after the date of the receipt of any State plan, but in no event later than 30 days after such date, the Secretary shall review such plan and shall approve it unless the Secretary finds—

(A) that, taken as a whole, the plan is not likely to achieve the emergency conservation target established for that State under section 211(a) for each energy source involved,

(B) that, taken as a whole, the plan is likely to impose an unreasonably disproportionate share of the burden of restrictions of energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof,

(C) that the requirements of this part regarding the plan have not been met, or

(D) that a measure described in subsection (b)(1) is—

(i) inconsistent with any otherwise applicable Federal law (including any rule or regulation under such law),

(ii) an undue burden on interstate commerce, or

(iii) a tax, tariff, or user fee not authorized by State law.

(2) Any measure contained in a State plan shall become effective in that State on the date the Secretary approves the plan under this subsection or such later date as may be prescribed in, or pursuant to, the plan.

(d) STATE ADMINISTRATION AND ENFORCEMENT.—(1) The authority to administer and enforce any measure described in subsection (b)(1)(B) which is in a State plan approved under this section is hereby delegated to the Governor of the State and the other State and local officers and employees designated by the Governor. Such authority includes the authority to institute actions on behalf of the United States for the imposition and collection of civil penalties under subsection (e).

(2) All delegation of authority under paragraph (1) with respect to any State shall be considered revoked effective upon a determination by the President that such delegation should be revoked, but only to the extent of that determination.

Statement to Governor and President.

(3) If at any time the conditions of subsection (b)(1)(B)(ii) are no longer satisfied in any State with respect to any measure for which a delegation has been made under paragraph (1), the attorney general of that State shall transmit a written statement to that effect to the Governor of that State and to the President. Such delegation shall be considered revoked effective upon receipt by the President of such written statement and a determination by the President that such conditions are no longer satisfied, but only to the extent of that determination and consistent with such attorney general's statement.

(4) Any revocation under paragraph (2) or (3) shall not affect any action or pending proceedings, administrative or civil, not finally determined on the date of such revocation, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such revocation.

(e) CIVIL PENALTY.—(1) Whoever violates the requirements of any measure described in subsection (b)(1)(B) which is in a State plan in effect under this section shall be subject to a civil penalty of not to exceed $1,000 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided in paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of measures the authority for which is delegated under subsection (d).

SEC. 213. STANDBY FEDERAL CONSERVATION PLAN.

42 USC 8513. (a) Establishment of Standby Conservaton Plan.—(1) Within 90 days after the date of the enactment of this part, the Secretary, in accordance with section 501 of the Department of Energy Organization Act (42 U.S.C. 7191), shall establish a standby Federal emergency conservation plan. The Secretary may amend such plan at any time, and shall make such amendments public upon their adoption.

(2) The plan under this section shall be consistent with the attainment of the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(b)(1)), and shall provide for the emergency reduction in the public and private use of each energy source for which an emergency conservation target is in effect or may be in effect under section 211.

(b) Implementation of Standby Conservation Plan.—(1) If the President finds—

(A) after a reasonable period of operation, but not less than 90 days, that a State emergency conservation plan approved and implemented under section 212 is not substantially meeting a conservation target established under section 211(a) for such State and it is likely that such target will continue to be unmet; and

(B) a shortage exists or is likely to exist in such State for the 60-day period beginning after such finding that is equal to or greater than 8 percent of the projected normal demand, as determined by the President, for an energy source for which such conservation target has been established under section 211(a);

then the President shall, after consultation with the Governor of such State, make effective in such State all or any part of the standby Federal conservation plan established under subsection (a) for such period or periods as the President determines appropriate to achieve the target in that State.

(2) If the President finds after a reasonable period of time, that the conservation target established under section 211(a) is not being substantially met and it is likely that such target will continue to be unmet in a State which—

(A) has no emergency conservation plan approved under section 212; or

(B) the President finds has substantially failed to carry out the assurances regarding implementation set forth in the plan approved under section 212,

then the President shall, after consultation with the Governor of such State, make effective in such State all or any part of the standby Federal conservation plan established under subsection (a) for such period or periods as the President determines appropriate to achieve the target in that State.

(c) Basis for Findings.—Any finding under subsection (b) shall be accompanied by such information and analysis as is necessary to provide a basis therefor and shall be available to the Congress and the public.

(d) Submission of State Emergency Conservation Plan.—(1) The Governor of a State in which all or any portion of the standby Federal conservation plan is or will be in effect may submit at any time a State emergency conservation plan, and if it is approved under section 212(c), all or such portion of the standby Federal conservation plan shall cease to be effective in that State. Nothing in this paragraph shall affect any action or pending proceedings, administrative or civil, not finally determined on such date, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such cessation of effectiveness.

(e) STATE SUBSTITUTE EMERGENCY CONSERVATION MEASURES.—(1) After the President makes all or any part of the standby Federal conservation plan effective in any State or political subdivision under subsection (b), the Secretary shall provide procedures whereby such State or any political subdivision thereof may submit to the Secretary for approval one or more measures under authority of State or local law to be implemented by such State or political subdivision and to be substituted for any Federal measure in the Federal plan. The measures may include provisions whereby persons affected by such Federal measure are permitted to use alternative means of conserving at least as much energy as would be conserved by such Federal measure. Such measures shall provide effective procedures, as determined by the Secretary, for the approval and enforcement of such alternative means by such State or by any political subdivision thereof.

(2) The Secretary may approve the measures under paragraph (1) if he finds—

(A) that such measures when in effect will conserve at least as much energy as would be conserved by such Federal measure which would have otherwise been in effect in such State or political subdivision;

(B) such measures otherwise meet the requirements of this paragraph; and

(C) such measures would be approved under section 212(c)(1) (B), (C), and (D).

(3) If the Secretary approves measures under this subsection such Federal measure shall cease to be effective in that State or political subdivision. Nothing in this paragraph shall affect any action or pending proceedings, administrative or civil, not finally determined on the date the Federal measure ceases to be effective in that State or political subdivision, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such cessation of effectiveness.

(4) If the Secretary finds after a reasonable period of time that the requirements of this subsection are not being met under the measures in effect under this subsection he may reimpose the Federal measure referred to in paragraph (1).

(f) STATE AUTHORITY TO ADMINISTER PLAN.—At the request of the Governor of any State, the President may provide that the administration and enforcement of all or a portion of the standby Federal conservation plan made effective in that State under subsection (b) be in accordance with section 212(d) (1), (2), and (4).

(g) PRESIDENTIAL AUTHORITY NOT TO BE DELEGATED.—Notwithstanding any other provision of law (other than subsection (f)), the authority vested in the President under this section may not be delegated.

(h) REQUIREMENTS OF PLAN.—The plan established under subsection (a) shall—

(1) taken as a whole, be designed so that the plan, if implemented, would be likely to achieve the emergency conservation target under section 211 for which it would be implemented,

(2) taken as a whole, be designed so as not to impose an unreasonably disproportionate share of the burden of restrictions on energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof, and

(3) not contain any measure which the Secretary finds—

(A) is inconsistent with any otherwise applicable Federal law (including any rule or regulation under such law),

(B) is an undue burden on interstate commerce,

(C) is a tax, tariff, or user fee, or

(D) is a program for the assignment of rights for end-user purchases of gasoline or diesel fuel, as described in section 203(a)(1) (A) and (B) of the Energy Policy and Conservation Act (42 U.S.C. 6263).

(i) PLAN MAY NOT AUTHORIZE WEEKEND CLOSINGS OF RETAIL GASOLINE STATIONS.—(1) Except as provided in paragraph (2), the plan established under subsection (a) may not provide for the restriction of hours of sale of motor fuel at retail at any time between Friday noon and Sunday midnight.

(2) Paragraph (1) shall not preclude the restriction on such hours of sale if that restriction occurs in connection with a program for restricting hours of sale of motor fuel each day of the week on a rotating basis.

(j) CIVIL PENALTIES.—(1) Whoever violates the requirements of such a plan implemented under subsection (b) shall be subject to a civil penalty not to exceed $1,000 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided under paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of that portion of the standby Federal conservation plan for which authority is delegated to that State under subsection (f).

SEC. 214. JUDICIAL REVIEW.

42 USC 8514.

(a) STATE ACTIONS.—(1) Any State may institute an action in the appropriate district court of the United States, including actions for declaratory judgment, for judicial review of—

(A) any target established by the President under section 211(a);

(B) any finding by the President under section 213(b)(1)(A), relating to the achievement of the emergency energy conservation target of such State, or 213(b)(2), relating to the achievement of the emergency energy conservation target of such State or the failure to carry out the assurances regarding implementation contained in an approved plan of such State; or

(C) any determination by the Secretary disapproving a State plan under section 212(c), including any determination by the Secretary under section 212(c)(1)(B) that the plan is likely to impose an unreasonably disproportionate share of the burden of restrictions of energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof.

Such action shall be barred unless it is instituted within 30 calendar days after the date of publication of the establishment of a target referred to in subparagraph (A), the finding by the President referred to in subparagraph (B), or the determination by the Secretary referred to in subparagraph (C), as the case may be.

(2) The district court shall determine the questions of law and upon such determination certify such questions immediately to the United

States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(3) Any decision by such court of appeals on a matter certified under paragraph (2) shall be reviewable by the Supreme Court upon attainment of a writ of certiorari. Any petition for such a writ shall be filed no later than 20 days after the decision of the court of appeals.

(b) Court of Appeals Docket.—It shall be the duty of the court of appeals to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a)(2).

(c) Injunctive Relief.—With respect to judicial review under subsection (a)(1)(A), the court shall not have jurisdiction to grant any injunctive relief except in conjunction with a final judgment entered in the case.

SEC. 215. REPORTS.

(a) Monitoring.—The Secretary shall monitor the implementation of State emergency conservation plans and of the standby Federal conservation plan and make such recommendations to the Governor of each affected State as he deems appropriate for modification to such plans. 42 USC 8515.

(b) Annual Report.—The President shall report annually to the Congress on any activities undertaken pursuant to this part and include in such report his estimate of the energy saved in each State and the performance of such State in relation to this part. Such report shall contain such recommendations as the President considers appropriate.

Part B—Other Automobile Fuel Purchase Measures

SEC. 221. MINIMUM AUTOMOBILE FUEL PURCHASES.

(a) General Rule.—If the provisions of this subsection are made applicable under subsection (c), no person shall purchase motor fuel from a motor fuel retailer in any transaction for use in any automobile or other vehicle unless— 42 USC 8521.

(1) the price for the quantity purchased and placed into the fuel tank of that vehicle equals or exceeds $5.00; or

(2) in any case in which the amount paid for the quantity of motor fuel necessary to fill the fuel tank of that vehicle to capacity is less than $5.00, such person pays to the retailer an additional amount so that the total amount paid in that transaction equals $5.00.

Any person selling motor fuel in transactions to which the provisions of this subsection apply shall display at the point of sale notice of such provisions in accordance with regulations prescribed by the Secretary.

(b) $7.00 To Be Applicable in the Case of 8-Cylinder Vehicles.—In applying subsection (a) in the case of any vehicle with an engine having 8 cylinders (or more), "$7.00" shall be substituted for "$5.00".

(c) Applicability.—(1) Unless applicable pursuant to paragraph (2), the requirements of subsection (a) shall apply in any State and shall be administered and enforced as provided in subsection (g) only if—

(A) the Governor of that State submits a request to the Secretary to have such requirements applicable in that State; and

(B) the attorney general of that State has found that (i) absent a delegation of authority under a Federal law, the Governor lacks the authority under the laws of the State to invoke comparable requirements, (ii) under applicable State law, the Governor and other appropriate State officers and employees are not prevented from administering and enforcing such requirements under a delegation of authority pursuant to Federal law, and (iii) if implemented such requirements would not be contrary to State law.

Subject to paragraph (2), such provisions shall cease to apply in any State if the Governor of the State withdraws any request under subparagraph (A).

(2) The requirements of subsection (a) shall apply in every State if there is in effect a finding by the President that nationwide implementation of such requirements would be appropriate and consistent with the purposes of this title.

Publication in Federal Register.

(3) Such requirements shall take effect in any State beginning on the 5th day after the Secretary or the President (as the case may be) publishes notice in the Federal Register of the applicability of the requirements to the State pursuant to paragraph (1) or (2).

(4) Notwithstanding any other provision of law, the authority vested in the President under paragraph (2) may not be delegated.

(d) EXEMPTIONS.—The requirements of subsection (a) shall not apply to any motorcycle or motorpowered bicycle, or to any comparable vehicle as may be determined by the Secretary by regulation.

(e) ADJUSTMENT OF MINIMUM LEVELS.—The Secretary may increase the $5.00 and $7.00 amounts specified in subsections (a) and (b) if the Secretary considers it appropriate. Adjustments under this subsection shall be only in even dollar amounts.

(f) CIVIL PENALTIES.—(1) Whoever violates the requirements of subsection (a) shall be subject to a civil penalty of not to exceed $100 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action under this section brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided in paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of the requirements of subsection (a) the authority for which is delegated under subsection (g).

(g) ADMINISTRATION AND ENFORCEMENT DELEGATED TO STATES.—(1) There is hereby delegated to the Governor of any State, and other State and local officers and employees designated by the Governor, the authority to administer and enforce, within that State, any provision of this part which is to be administered and enforced in accordance with this section. Such authority includes the authority to institute actions on behalf of the United States for the imposition and collection of civil penalties under subsection (f).

(2)(A) All delegation of authority under paragraph (1) with respect to any State shall be considered revoked effective (i) upon the receipt of a written waiver of authority signed by the Governor of such State or (ii) upon a determination by the President that such delegation should be revoked, but only to the extent of that determination.

(B) If at any time the conditions of subsection (c)(1)(B) are no longer satisfied in any State to which a delegation has been made under paragraph (1), the attorney general of that State shall transmit a written statement to that effect to the Governor of that State and to the President. Such delegation shall be considered revoked effective upon receipt by the President of such written statement and a determination by the President that such conditions are no longer satisfied, but only to the extent of that determination and consistent with such attorney general's statement.

(C) Any revocation under subparagraph (A) or (B) shall not affect any action or pending proceedings, administrative or civil, not finally determined on the date of such revocation, nor any administrative or civil action or proceeding, whether or not pending, based on any act committed or liability incurred prior to such revocation.

(D) The Secretary shall administer and enforce any provision of this part which has been made effective under subsection (c)(2) and for which a delegation of authority is considered revoked under subparagraph (A).

(h) Coordination With Other Law.—The charging and collecting of amounts referred to in subsection (a)(2) under the requirements of subsection (a), or similar amounts collected under comparable requirements under any State law, shall not be considered a violation of—

(1) the Emergency Petroleum Allocation Act of 1973 or any regulation thereunder; or 15 USC 751 note.

(2) any Federal or State law requiring the labeling or disclosure of the maximum price per gallon of any fuel.

SEC. 222. OUT-OF-STATE VEHICLES TO BE EXEMPTED FROM ODD-EVEN MOTOR FUEL PURCHASE RESTRICTIONS.

(a) General Rule.—Notwithstanding any provision of any Federal, State, or local law, any odd-even fuel purchase plan in effect in any State may not prohibit the sale of motor fuel to any person for use in a vehicle bearing a license plate issued by any authority other than that State or a State contiguous to that State. 42 USC 8522.

(b) Definitions.—For purposes of this section the term "odd-even fuel purchase plan" means any motor fuel sales restriction under which a person may purchase motor fuel for use in any vehicle only on days (or other periods of time) determined on the basis of a number or letter appearing on the license plate of that vehicle (or on any similar basis).

Part C—Building Temperature Restrictions

SEC. 231. AMENDMENT TO ENERGY POLICY AND CONSERVATION ACT.

Section 202 of the Energy Policy and Conservation Act (42 U.S.C. 6262) is amended by adding at the end thereof the following new subsection:

"(d)(1) In the case of an energy conservation contingency plan that regulates building temperatures, any State or political subdivision thereof may submit to the President a comparable plan, as described in subsection (b)(1), and include in such plan procedures permitting any person affected by such contingency plan to use alternative means of conserving at least as much energy in affected buildings as would be conserved by the energy conservation contingency plan that regulates building temperatures. Such plan shall include effective procedures for the approval and enforcement of such alternative plans by such State or such political subdivision thereof.

"(2) The alternative plan under paragraph (1) need not conserve energy in the same fashion as the energy conservation contingency plan that regulates building temperatures.

"(3) Nothing in this subsection shall preclude any political subdivision of a State from applying directly to the President for approval of a comparable plan under paragraph (1).".

Part D—Studies

SEC. 241. STUDIES.

Report to Congress.
42 USC 8531.

(a) Study of Commercial and Industrial Storage of Fuel.—Not later than 180 days after the date of the enactment of this part, the Secretary shall conduct a study and report to the Congress regarding the commercial and industrial storage of gasoline and middle distillates (other than storage in facilities which have capacities of less than 500 gallons or storage used exclusively and directly for agricultural, residential, petroleum refining, or pipeline transportation purposes).

(b) Contents of Report.—Such report shall—

(1) indicate to what extent storage activities have increased since November 1, 1978, and what business establishments (including utilities) have been involved;

(2) the estimated amount of gasoline and middle distillates (in the aggregate and by type and region) which are in storage within the United States at the time of the study, the amounts which were in storage at the same time during the calendar year preceding the study, and the purposes for which such storage is maintained; and

(3) contain such findings and recommendations for legislation and administrative action as the Secretary considers appropriate, including recommendations for improving the availability and quality of data concerning such storage.

SEC. 242. MIDDLE DISTILLATE MONITORING PROGRAM.

42 USC 8532.

(a) Monitoring Program.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish and maintain a data collection program for monitoring, at the refining, wholesale, and retail levels, the supply and demand levels of middle distillates on a periodic basis in each State.

(2) The program to be established under paragraph (1) shall provide for—

(A) the prompt collection of relevant demand and supply data under the authority available to the Secretary under other law; and

Reports to Congress.

(B) the submission to Congress of periodic reports each containing a concise narrative analysis of the most recent data which the Secretary determines are accurate, and a discussion on a State-by-State basis of trends in such data which the Secretary determines are significant.

(3) All data and information collected under this program shall be available to the Congress and committees of the Congress, and, in accordance with otherwise applicable law, to appropriate State and Federal agencies and the public.

(4) Nothing in this subsection authorizes the direct or indirect regulation of the price of any middle distillate.

"Middle distillate."

(5) For purposes of this section, the term "middle distillate" has the same meaning as given that term in section 211.51 of title 10, Code of Federal Regulations, as in effect on the date of the enactment of this section.

Report to Congress.

(b) Report.—Before December 31, 1979, the President shall submit a report to Congress in which the President shall examine the middle distillate situation, summarizing the data, information, and analyses described in subsection (a) and discussing in detail matters required to be addressed in findings made pursuant to section 12(d)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 760(d)(1)).

15 USC 760a.

Part E—Administrative Provisions

SEC. 251. ADMINISTRATION.

42 USC 8541.

(a) INFORMATION.—(1) The Secretary shall use the authority provided under section 11 of the Energy Supply and Environmental Coordination Act of 1974 for the collection of such information as may be necessary for the enforcement of the provisions of parts A and B of this title.

15 USC 796.

(2) In carrying out his responsibilities under this title, the Secretary shall insure that timely and adequate information concerning the supplies, pricing, and distribution of motor fuels (and other energy sources which are the subject of targets in effect under section 211) is obtained, analyzed, and made available to the public. Any Federal agency having responsibility for collection of such information under any other authority shall cooperate fully in facilitating the collection of such information.

(b) EFFECT ON OTHER LAWS.—No State law or State program in effect on the date of the enactment of this title, or which may become effective thereafter, shall be superseded by any provision of this title, or any rule, regulation, or order thereunder, except insofar as such State law or State program is in conflict with any such provision of section 213 or 221 (or any rule, regulation, or order under this part relating thereto) in any case in which measures have been implemented in that State under the authority of section 213 or 221 (as the case may be).

(c) TERMINATION.—(1) The provisions of parts A, B, D, and E of this title, including any actions taken thereunder, shall cease to have effect on July 1, 1983.

(2) Such expiration shall not affect any action or pending proceeding, administrative or civil, not finally determined on such date, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such expiration date.

TITLE III—GENERAL PROVISIONS

SEC. 301. FUNDING FOR FISCAL YEARS 1979 AND 1980.

42 USC 8501 note.

For purposes of any law relating to appropriations or authorizations for appropriations as such law relates to the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, the provisions of this Act (including amendments made by this Act) shall be treated as if it were a contingency plan under section 202 or 203 of the Energy Policy and Conservation Act which was approved in accordance with the procedures under that Act or as otherwise provided by law, and funds made available pursuant to such appropriations shall be available to carry out the provisions of this Act and the amendments made by this Act.

42 USC 6262, 6263.

SEC. 302. EFFECTIVE DATE.

42 USC 6261 note.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

Approved November 5, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-373 (Comm. on Interstate and Foreign Commerce) and No. 96-516 (Comm. of Conference).

SENATE REPORTS: No. 96-117 (Comm. on Energy and Natural Resources) and No. 96-366 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):
- June 5, considered and passed Senate.
- July 25, 31, Aug. 1, considered and passed House, amended.
- Oct. 17, Senate agreed to conference report.
- Oct. 23, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 45:
- Nov. 5, Presidential statement.

Public Law 96-103
96th Congress

An Act

Making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1980, and for other purposes.

Nov. 5, 1979
[H.R. 4394]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1980, and for other purposes, namely:

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980.

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations acts, is increased by $1,140,661,000 of which not less than nor more than $50,000,000 shall be for the modernization of existing low-income housing projects: *Provided,* That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations acts by $26,680,128,000: *Provided further,* That any balances of authorities remaining at the end of fiscal year 1979 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1980.

RENT SUPPLEMENT

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1980 by the uncommitted balances of authorizations provided for this purpose in Appropriation Acts.

HOUSING PAYMENTS

For the payment of annual contributions, not otherwise provided for, in accordance with section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); and for payments as authorized by sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1), $5,529,000,000.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

The limitation on the aggregate loans that may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), from the fund authorized by subsection (a)(4) of such section, is increased by $830,000,000, together with any portion of loan limitations established for fiscal years beginning after June 30, 1975 which was not administratively committed or which becomes uncommitted, in accordance with paragraph (C) of such subsection, which funds shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided,* That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Provided further,* That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further,* That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government.

CONGREGATE SERVICES PROGRAM

92 Stat. 2104.
42 USC 8001 note.

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs as authorized by the Congregate Housing Services Act of 1978, $10,000,000 to remain available until September 30, 1984.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $741,500,000.

TROUBLED PROJECTS OPERATING SUBSIDY

92 Stat. 2080.
42 USC 5301 note.

For assistance payments to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, in the program of operating subsidies for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, $79,500,000, together with any excess rental charges collected after September 30, 1977, to remain available until September 30, 1981: *Provided,* That assistance payments to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and the General Insurance Fund, $194,850,000, to remain available until expended, as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)).

COLLEGE HOUSING—LOANS AND OTHER EXPENSES

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1980 shall not exceed the total of loan repayments and other income available during such period, less operating costs.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

The aggregate amount of purchases and commitments authorized to be made pursuant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), is further increased by $2,000,000,000, which shall be out of recaptured Special Assistance Purchase authority.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), $16,971,000. 81 Stat. 341.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,800,000,000, to remain available until September 30, 1982: *Provided*, That not to exceed 20 per centum of any grant made pursuant to section 103(a) of title I of the Housing and Community Development Act of 1974, as amended, shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development. 42 USC 5303.

For grants to units of general local government pursuant to section 103(b) of title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $100,000,000, to remain available until September 30, 1982. 42 USC 5303.

URBAN DEVELOPMENT ACTION GRANTS

42 USC 5308. For grants pursuant to section 103(c) of title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $675,000,000, to remain available until September 30, 1982.

COMPREHENSIVE PLANNING GRANTS

For grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $42,500,000, to remain available until expended.

REHABILITATION LOAN FUND

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), $135,000,000, together with collections, unexpended balances of prior appropriations, and all other amounts in the revolving fund which will be available on or after September 30, 1979, to remain available until expended, for commitments for loans and operating costs for fiscal year 1980.

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of 12 USC 1701x. the Housing and Urban Development Act of 1968, as amended, $9,000,000.

NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

For contracts, grants, and other assistance, not otherwise provided for, to neighborhood organizations as authorized by the Neighbor- 92 Stat. 2119. hood Self-Help Development Act of 1978 (42 U.S.C. 8121-8124), $10,000,000, to remain available until September 30, 1981.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and

Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $49,650,000, to remain available until September 30, 1981. 49 USC 1608 note.

Fair Housing and Equal Opportunity

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, $3,700,000, to remain available until expended. 42 USC 3601.

Management and Administration

SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $3,000 for official reception and representation expenses, $539,307,000, of which $255,118,000 shall be provided from the various funds of the Federal Housing Administration.

TITLE II

INDEPENDENT AGENCIES

American Battle Monuments Commission

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (four for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $7,603,000, of which $40,000 shall remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it. 36 USC 121b. 36 USC 122. 36 USC 122a.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including rent in the District of Columbia, hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $500 for official reception and representation, $40,600,000: *Provided,* That funds provided by this appropriation for laboratories shall be available only for the acquisition or conversion of existing laboratories. 5 USC 5332 note.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of maintenance, operation, and improvement of the cemetery at the Soldiers' and Airmen's Home and Arlington National Cemetery, including the purchase of one passenger motor vehicle, $8,326,000, to remain available until expended: *Provided,* That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses, $513,319,000.

RESEARCH AND DEVELOPMENT

For research and development activities, $233,568,000, to remain available until September 30, 1981.

ABATEMENT, CONTROL AND COMPLIANCE

For abatement, control and compliance activities, $508,892,000, to remain available until September 30, 1981.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Environmental Protection Agency, $1,425,000, to remain available until expended.

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 206, 208, and 209, $3,400,000,000, to remain available until expended, and for liquidation of obligations incurred pursuant to authority contained in section 203, $1,500,000,000, to remain available until expended.

33 USC 1281.
33 USC 1286, 1288, 1289.
33 USC 1283.

UNITED STATES REGULATORY COUNCIL

For necessary expenses of the United States Regulatory Council, including services as authorized by 5 U.S.C. 3109, $3,038,000.

ADMINISTRATIVE PROVISION

Not to exceed 2 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction grants") may be transferred to any other such appropriation.

Executive Office of the President

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, $3,126,000.

42 USC 4321 note.
42 USC 4371 note.
5 USC app., 3 USC note prec. 101.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,000 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $2,625,000.

Federal Emergency Management Agency

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1970, as amended (42 U.S.C. 4401), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), and Reorganization Plan No. 3 of 1978, authorizing assistance to States and local governments, $193,600,000, to remain available until expended.

42 USC 4401 note.
3 CFR 1978 comp., p. 329, 5 USC app., 15 USC 2201 note.

EMERGENCY PLANNING, PREPAREDNESS AND MOBILIZATION

For necessary expenses, not otherwise provided for, to carry out civil defense and emergency preparedness activities, including activities authorized by section 103 of the National Security Act (50 U.S.C.

404), the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h-8), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297), and the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166), $129,621,000 of which not to exceed $37,100,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

Ante, p. 319.

50 USC app. 2286.

HAZARD MITIGATION AND DISASTER ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973 (42 U.S.C. Chap. 50), the Urban Property Protection Act of 1968, as amended, the National Insurance Development Act of 1975 (12 U.S.C. 1749 bbb), the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701-7706), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 278f, 278q, and 2201-2219), the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601, 6671) and Reorganization Plan No. 3 of 1978, including not to exceed $500 for official reception and representation expenses, $118,709,000.

42 USC 4001 note.
42 USC 4001 *et seq.*
12 USC 1701 note.

3 CFR 1978 Comp., p. 329, 5 USC app., 15 USC 2201 note.

ADMINISTRATIVE PROVISIONS

Appropriations contained in this Act for the Federal Emergency Management Agency shall be available for hire of motor vehicles, services as authorized by 5 U.S.C. 3109, and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness.

Appropriations contained in this Act for the Federal Emergency Management Agency shall be available for the provision of transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,315,000: *Provided*, That this appropriation shall be available hereafter, subject to reimbursement by user agencies, for payment to the Government Printing Office for distribution of free consumer information.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,861,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed $116,100,000 for Project Galileo and not to exceed $18,300,000 for space transportation system upper stages, without the approval of the Committees on Appropriations, $3,807,500,000, to remain available until September 30, 1981.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $156,100,000, to remain available until September 30, 1982: *Provided,* That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-two for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; $959,900,000: *Provided,* That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed $25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

NATIONAL COMMISSION ON AIR QUALITY

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Air Quality as authorized by the Clean Air Act Amendments of 1977 (42 U.S.C. 7623 and 7626), including services as authorized by 5 U.S.C. 3109, and not to exceed $145,000 for travel expenses, $5,500,000.

NATIONAL CONSUMER COOPERATIVE BANK

SALARIES AND EXPENSES

92 Stat. 510, 513.

For necessary administrative expenses and technical assistance of the National Consumer Cooperative Bank, including the Office of Self-Help Development and Technical Assistance, as authorized by sections 112 and 209 of the National Consumer Cooperative Bank Act (12 U.S.C. 3022 and 3049), $7,950,000: *Provided,* That none of these funds shall be used to retire any of the indebtedness of the National Consumer Cooperative Bank.

SELF-HELP DEVELOPMENT

92 Stat. 511.

For advances by the Office of Self-Help Development and Technical Assistance as authorized by section 202 of the National Consumer Cooperative Bank Act (12 U.S.C. 3042), $17,000,000, to remain available until September 30, 1981.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

92 Stat. 3719.

The amount which may be borrowed, from the public or any other source except the Secretary of the Treasury, by the Central Liquidity Facility as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $300,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1980 shall not exceed $1,756,000.

NATIONAL INSTITUTE OF BUILDING SCIENCES

SALARIES AND EXPENSES

For necessary expenses of the National Institute of Building Sciences as authorized by section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2), $750,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; not to exceed $58,100,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $906,050,000, to remain available until September 30, 1981: *Provided,* That not more than $60,900,000 shall be available for Applied Science and Research Applications: *Provided further,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further,* That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $84,700,000: *Provided,* That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, $5,500,000, to remain available until September 30, 1981: *Provided,* That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

NEIGHBORHOOD REINVESTMENT CORPORATION

SALARIES AND EXPENSES

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $12,000,000.

92 Stat. 2115.
42 USC 8101 note.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $500 for official reception and representation expenses; $7,830,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of

31 USC 665.

section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

DEPARTMENT OF THE TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221-1263), $6,854,924,000.

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For necessary expenses in the Office of Revenue Sharing, including the hire of passenger motor vehicles, $6,237,000.

NEW YORK CITY LOAN GUARANTEE PROGRAM, ADMINISTRATIVE EXPENSES

92 Stat. 460, 914.
31 USC 1521 note, 1531 note.

For necessary administrative expenses as authorized by the New York City Loan Guarantee Act of 1978 (Public Law 95-415), $1,022,000.

INVESTMENT IN NATIONAL CONSUMER COOPERATIVE BANK

92 Stat. 503.
92 Stat. 508.

For the purchase of class A stock issued by the National Consumer Cooperative Bank as authorized by section 104 of the National Consumer Cooperative Bank Act (12 U.S.C. 3014), $49,050,000, to remain available until September 30, 1981: *Provided,* That such amount shall also be the limit on the aggregate amount of commitments by the Bank to make or to guarantee loans in accordance with section 108 of the Act (12 U.S.C. 3018).

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

50 USC app. note prec. 540.

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay, adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, $11,201,800,000, to remain available until expended.

READJUSTMENT BENEFITS

38 USC 801, 1501, 1601, 1651-1770, 1901.

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, 32, 34-36 and 39), $2,278,535,000, to remain available until expended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, $5,400,000, to remain available until expended.

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and aid to State homes as authorized by law (38 U.S.C. 641); $5,683,700,000, plus reimbursements.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until September 30, 1981, $122,847,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, $47,606,000, plus reimbursements.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $3,000 for official reception and representation expenses; cemeterial expenses as authorized by law, purchase of twelve passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $587,392,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5001, 5002 and 5004 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is $1,000,000 or more,

$317,292,000, to remain available until expended: *Provided*, That, except for advance planning of projects funded through the Advance Planning Fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5001, 5002 and 5004 of title 38, United States Code, where the estimated cost of a project is less than $1,000,000, $72,633,000, to remain available until expended: *Provided*, That not more than $23,230,000 shall be available for expenses of the Office of Construction.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 5031-5037), $7,500,000, to remain available until September 30, 1982.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding or improving State veterans' cemeteries as authorized by law (Public Law 95-476, sec. 202), $5,000,000, to remain available until September 30, 1982.

92 Stat. 1503.
38 USC 903.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants as authorized by law (38 U.S.C. 631-634), $1,350,000, of which $50,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended.

Ante, p. 53.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations under chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

38 USC 1801 *et seq.*

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

TITLE III

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriation Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

31 USC 841 note.

31 USC 849.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $18,359,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901–5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, section 12(i) of the Securities Exchange Act of 1934, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further,* That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further,* That not to exceed $500 shall be available for official reception and representation expenses: *Provided further,* That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449).

12 USC 1425a, 1426.
12 USC 1464.
15 USC 78*l*.
12 USC 1729—1730a.

12 USC 1421.
12 USC 1428a note.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed $33,466,000 shall be available for administrative expenses, which shall include the expenses for the examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary), and which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve Banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided,* That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

TITLE IV

GENERAL PROVISIONS

Travel expenses.

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That the limitations may be increased by the Secretary when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal services.
31 USC 841 note.
12 USC 1749a.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

Certain government transportation, prohibition.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

Research projects.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

5 USC 5332 note.

SEC. 409. No part of any appropriation for the fiscal year ending September 30, 1980, contained in this or any other Act shall be used to contract with private firms to provide plant care or watering services.

Short title.

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980".

Approved November 5, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-249 (Comm. on Appropriations) and No. 96-409 and No. 96-542 (Comm. of Conference).
SENATE REPORT No. 96-258 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- June 21, 22, 27, considered and passed House.
- July 27, considered and passed Senate, amended.
- Sept. 27, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments, in others with amendments, and disagreed to Senate amendment No. 12.
- Sept. 28, Senate agreed to conference report; resolved certain amendments in disagreement, and insisted on its amendment No. 12.
- Oct. 24, House and Senate agreed to further conference report.

Public Law 96-104
96th Congress

An Act

To authorize on a temporary basis certain business and agricultural loans, notwithstanding interest limitations in State constitutions or statutes, and for other purposes.

Nov. 5, 1979
[H.R. 2515]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That titles II and III of the Act entitled "An Act to authorize the regulation of interest rates payable on obligations issued by affiliates of certain depository institutions, and for other purposes", approved October 29, 1974 (Public Law 93-501; 88 Stat. 1557), are hereby repealed, except that—

Business and agricultural loans, temporary exemption from State usury ceilings.
Repeal.
12 USC 85, 371b-1, 371b-1 note, 1425b, 1730e, 1828, 1831a, 1831a notes; 15 USC 687.

(1) the amendments made by title II of such Act and the provisions of such title shall apply to any loan made in any State during the period specified in section 206 of such Act; and

12 USC 85 note.

(2) the amendments made by title III of such Act shall apply to any deposit made or obligation issued in any State during the period specified in section 304 of such Act.

12 USC 85 note.

TITLE I—INTEREST RATE AMENDMENTS REGARDING STATE USURY CEILINGS ON CERTAIN LOANS

SEC. 101. Section 5197 of the Revised Statutes, as amended (12 U.S.C. 85), is amended by inserting in the first and second sentences before the phrase "whichever may be the greater", the following: "or in the case of business or agricultural loans in the amount of $25,000 or more, at a rate of 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the bank is located,".

SEC. 102. The Federal Deposit Insurance Act (12 U.S.C. 1811-1831) is amended by inserting after section 23 the following new section:

State-chartered insured banks, interest rate charges, limitation.
12 USC 1831a.

"SEC. 24. (a) In order to prevent discrimination against State-chartered insured banks with respect to interest rates, if the applicable rate prescribed in this subsection exceeds the rate such State bank would be permitted to charge in the absence of this subsection, a State bank may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the bank is located, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run.

Interest overcharge, forfeiture.

"(b) If the rate prescribed in subsection (a) exceeds the rate such State bank would be permitted to charge in the absence of this paragraph, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate of interest than is allowed by subsection (a) when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which

Interest payment, recovery.

has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of the interest paid from the State bank taking or receiving such interest.".

Sec. 103. Title IV of the National Housing Act (12 U.S.C. 1724–1730f) is amended by inserting after section 411 the following new section:

Insured institutions, interest rate charges, limitation.
12 USC 1730e.

"Sec. 412. (a) If the applicable rate prescribed in this section exceeds the rate an insured institution would be permitted to charge in the absence of this section, such institution may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the institution is located, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run.

Interest overcharge, forfeiture.

"(b) If the rate prescribed in subsection (a) exceeds the rate such institution would be permitted to charge in the absence of this section, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate of interest than that prescribed by subsection (a), when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of the interest paid from the institution taking or receiving such interest.".

15 USC 687.

Sec. 104. Subsection (h) of section 308 of the Small Business Investment Act of 1958 is amended to read as follows:

Long-term. Loans and equity funds.

"(h)(1) The purpose of this subsection is to facilitate the orderly and necessary flow of long-term loans and equity funds from small business investment companies to small business concerns.

Small business investment company, interest rate charges, limitation.

"(2) In the case of a business loan the principal amount of which is $25,000 or more, the small business investment company making such loan may charge interest on such loan at a rate which does not exceed the lowest of the rates described in subparagraphs (A), (B), and (C).

"(A) The rate described in this subparagraph is the maximum rate prescribed by regulation by the Small Business Administration for loans made by any small business investment company (determined without regard to any State rate incorporated by such regulation).

"(B) The rate described in this subparagraph is the maximum rate authorized by an applicable State law which is not preempted for purposes of this subsection.

"(C)(i) The rate described in this subparagraph is the higher of the Federal Reserve rate or the maximum rate authorized by applicable State law (determined without regard to the preemption of such State law).

"Federal Reserve rate."

"(ii) For purposes of clause (i), the term 'Federal Reserve rate' means the rate equal to the sum of 5 percentage points plus the discount rate on 90-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district in which the principal office of the small business investment company is located.

"(iii) The rate described in this subparagraph shall not apply to loans made in a State if there is no maximum rate authorized by applicable State law for such loans or there is a maximum rate authorized by an applicable State law which is not preempted for purposes of this subsection.

Effective dates.

"(3) A State law shall be preempted for purposes of paragraph (2)(B) with respect to any loan if such loan is made before the earliest of—

"(A) July 1, 1981;

"(B) the date, after the date of the enactment of this paragraph, on which such State adopts a law stating in substance that such State does not want this subsection to apply with respect to loans made in such State; or

"(C) the date on which such State certifies that the voters of such State, after the date of the enactment of this paragraph, have voted in favor of, or to retain, any law, provision of the constitution of such State, or amendment to the constitution of such State which prohibits the charging of interest at the rates provided in this subsection.

Interest overcharge, forfeiture.

"(4)(A) If the maximum rate of interest authorized under paragraph (2) on any loan made by a small business investment company exceeds the rate which would be authorized by applicable State law if such State law were not preempted for purposes of this subsection, the charging of interest at any rate in excess of the rate authorized by paragraph (2) shall be deemed a forfeiture of the greater of (i) all interest which the loan carries with it, or (ii) all interest which has been agreed to be paid thereon.

Interest payment recovery.

"(B) In the case of any loan with respect to which there is a forfeiture of interest under subparagraph (A), the person who paid the interest may recover from a small business investment company making such loan an amount equal to twice the amount of the interest paid on such loan. Such interest may be recovered in a civil action commenced in a court of appropriate jurisdiction not later than 2 years after the most recent payment of interest.".

Business or agricultural loans, rate limitation.
12 USC 86a.

SEC. 105. (a) In order to prevent discrimination against any financial institution chartered pursuant to the statutes of the United States with respect to interest rates, if the applicable rate prescribed in this section exceeds the rate such federally chartered financial institution would be permitted to charge in the absence of this section, the federally chartered financial institution may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the federally chartered financial institution is located.

Interest overcharge, forfeiture.

(b) If the rate prescribed in subsection (a) exceeds the rate such federally chartered financial institution would be permitted to charge in the absence of this section, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate than is allowed by subsection (a), when knowingly done, shall be deemed a forfeiture of the entire interest which the loan carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced

Interest payment recovery.

in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of interest paid from the federally chartered financial institution taking or receiving such interest.

12 USC 1831a note.

SEC. 106. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of the title and the application of such provision to any person or circumstance other than that as to which it is held invalid shall not be affected thereby.

Effective dates. 12 USC 1831a note.

SEC. 107. The amendments made by this title and the provisions of this title shall apply only with respect to loans made in any State during the period beginning on the date of the enactment of this Act and ending on the earlier of—

(1) July 1, 1981;

(2) the date, after the date of the enactment of this Act, on which such State adopts a law stating in substance that such State does not want the amendments made by this title and the provisions of this title to apply with respect to loans made in such State; or

(3) the date on which such State certifies that the voters of such State, after the date of the enactment of this Act, have voted in favor of, or to retain, any law, provision of the constitution of such State, or amendment to the constitution of such State which prohibits the charging of interest at the rates provided in the amendments made by this title and the provisions of this title.

TITLE II—APPLICABILITY OF STATE USURY CEILINGS TO CERTAIN OBLIGATIONS ISSUED BY BANKS AND AFFILIATES

SEC. 201. Section 19 of the Federal Reserve Act (12 U.S.C. 461 et seq.) is amended by inserting after subsection (j) the following new subsection:

12 USC 371b-1.

"(k) No member bank or affiliate thereof, or any successor or assignee of such member bank or affiliate or any endorser, guarantor, or surety of such member bank or affiliate may plead, raise, or claim directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such member bank or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such member bank or affiliate or to any other person.".

SEC. 202. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by inserting after subsection (j) the following new subsection:

"(k) No insured nonmember bank or affiliate thereof, or any successor or assignee of such bank or affiliate or any endorser, guarantor, or surety of such bank or affiliate may plead, raise, or claim, directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such bank or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such bank or affiliate or to any other person.".

SEC. 203. Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by inserting after subsection (d) the following new subsection:

"(e) No member or nonmember association, institution, or bank or affiliate thereof, or any successor or assignee, or any endorser, guarantor, or surety thereof may plead, raise, or claim, directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such member or nonmember association, institution, bank, or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such member or nonmember association, institution, bank, or affiliate or to any other person.".

SEC. 204. The amendments made by this title shall apply only with respect to deposits made or obligations issued in any State during the period beginning on the date of the enactment of this Act and ending on the earlier of— Effective dates. 12 USC 371b-1 note.

(1) July 1, 1981;

(2) the date, after the date of the enactment of this Act, on which such State adopts a law stating in substance that such State does not want the amendments made by this title to apply with respect to such deposits and obligations; or

(3) the date on which such State certifies that the voters of such State, after the date of the enactment of this Act, have voted in favor of, or to retain, any law, provision of the constitution of such State, or amendment to the constitution of such State which limits the amount of interest which may be charged in connection with such deposits and obligations.

TITLE III—LIMITATION

SEC. 301. This Act shall apply only in those States having a constitutional provision which provides that all contracts for a greater rate of interest than 10 per centum per annum shall be void, as to principal and interest. 12 USC 86a note.

Approved November 5, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-364 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 24, considered and passed House.
Oct. 12, considered and passed Senate, amended.
Nov. 1, House concurred in Senate amendment.

Public Law 96-105
96th Congress

Joint Resolution

Nov. 8, 1979
[S.J. Res. 117]

To provide for a temporary extension of certain Federal Housing Administration authorities, and for other purposes.

Federal Housing Administration authorities, extension.

Resolved by the Senate and House of Representative of the United States of America in Congress assembled,

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE AUTHORITIES

Ante, p. 501.

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "November 1, 1979" in the first sentence and inserting in lieu thereof "December 1, 1979".

Ante, p. 501.

(b) Section 217 of such Act is amended by striking out "October 31, 1979" and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(c) Section 221(f) of such Act is amended by striking out "October 31, 1979" in the fifth sentence and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(d) Section 235(m) of such Act is amended by striking out "October 31, 1979" and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(e) Section 236(n) of such Act is amended by striking out "October 31, 1979" and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(f) Section 244(d) of such Act is amended—

(1) by striking out "October 31, 1979" in the first sentence and inserting in lieu thereof "November 30, 1979"; and

(2) by striking out "November 1, 1979" in the second sentence and inserting in lieu thereof "December 1, 1979".

Ante, p. 501.

(g) Section 245 of such Act is amended by striking out "October 31, 1979" where it appears and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(h) Section 809(f) of such Act is amended by striking out "October 31, 1979" in the second sentence and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(i) Section 810(k) of such Act is amended by striking out "October 31, 1979" in the second sentence and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(j) Section 1002(a) of such Act is amended by striking out "October 31, 1979" in the second sentence and inserting in lieu thereof "November 30, 1979".

Ante, p. 501.

(k) Section 1101(a) of such Act is amended by striking out "October 31, 1979" in the second sentence and inserting in lieu thereof "November 30, 1979".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

12 USC 1701.

SEC. 2. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "November 1, 1979" and inserting in lieu thereof "December 1, 1979".

EXTENSION OF EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

SEC. 3. Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "November 1, 1979" and inserting in lieu thereof "December 1, 1979". *Ante,* p. 502.

REHABILITATION LOANS

SEC. 4. Section 312(h) of the Housing Act of 1964 is amended— *Ante,* p. 502.

(1) by striking out "October 31, 1979" and inserting in lieu thereof "November 30, 1979"; and

(2) by striking out "November 1, 1979" and inserting in lieu thereof "December 1, 1979".

EXTENSION OF RURAL HOUSING AUTHORITIES

SEC. 5. (a) Section 513 of the Housing Act of 1949 is amended by striking out "October 31, 1979" where it appears in clauses (b), (c), and (d) and inserting in lieu thereof "November 30, 1979". *Ante,* p. 502.

(b) Section 515 of such Act is amended by striking out "October 31, 1979" where it appears in paragraph (b)(5) and inserting in lieu thereof "November 30, 1979". *Ante,* p. 502.

(c) Section 517(a)(1) of such Act is amended by striking out "October 31, 1979" and inserting in lieu thereof "November 30, 1979". *Ante,* p. 502.

(d) Section 523(f) of such Act is amended— *Ante,* p. 502.

(1) by striking out "November 1, 1979" where it appears in paragraph (f) and inserting in lieu thereof "December 1, 1979"; and

(2) by striking out "October 31, 1979" where it appears in such paragraph (f) and inserting in lieu thereof "November 30, 1979".

Approved November 8, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 29, considered and passed Senate.
Nov. 7, considered and passed House, amended; Senate agreed to House amendments.

Public Law 96-106
96th Congress

An Act

Nov. 9, 1979
[H.R. 4249]

To amend title 23 of the United States Code, the Surface Transportation Assistance Act of 1978, and for other purposes.

Surface Transportation Assistance Act of 1978, amendment.
23 USC 139.
92 Stat. 2695.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(e)(4) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to a designation made under section 139 of this title.".

SEC. 2. (a) Section 103(e)(5) of title 23, United States Code, is amended by striking out "(5) Notwithstanding any other provision of law—" and inserting in lieu thereof "(5) Notwithstanding any other provision of law, in the case of any withdrawal of approval before November 6, 1978—".

Repeal.
23 USC 103 note.
92 Stat. 2694.

(b) Paragraph (2) of section 107(f) of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is hereby repealed.

(c) Paragraph (6) of section 103(e) of title 23, United States Code, is renumbered as paragraph (8), and paragraph (7) of such section is renumbered as paragraph (9), including any references thereto, and such section 103(e) is further amended by inserting immediately after paragraph (5) the following new paragraphs:

Interstate System.

"(6) Notwithstanding any other provision of law—

"(A) in the case of any withdrawal of approval on or after November 6, 1978, of a route or portion thereof on the Interstate System, a State, subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

42 USC 4321 note.

"(B) in the case of any withdrawal of approval on or after November 6, 1978, of any route or portion thereof on the Interstate System under this section, a State shall not be required to refund to the Highway Trust Fund the costs of construction items, materials, or rights-of-way of the withdrawn route or portion thereof if such items, materials, and rights-of-way were acquired before November 6, 1978, if by the date of withdrawal of approval the Secretary has not approved the environmental impact statement required by the National Environmental Policy Act of 1969, and if such construction items, materials, or rights-of-way will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to any other public purpose determined by the Secretary to be in the public interest on condition that the State gives assurances satisfactory to the Secretary that such construction items, materials, or rights-of-way have been or will be so applied by the State, or any political subdivision thereof, to a project under clause (i), (ii), or (iii) within ten years from the date of withdrawal of approval;

"(7) In any case where a withdrawal of approval of a route or portion thereof on the Interstate System on or after November 6, 1978, does not come within the provisions of paragraph (6)(B) of this subsection, the State shall refund to the Highway Trust Fund the costs of construction items, materials, and rights-of-way of the withdrawn route or portion thereof, except that if the State gives assurances satisfactory to the Secretary that such items, materials, and rights-of-way have been or will be applied to a transportation project permissible under this title within ten years from the date of withdrawal of approval, the amount of such repayment shall be the difference between the amount received for such items, materials, and rights-of-way and the amount which would be received in accordance with the current Federal share applicable to the transportation project to which such items, materials, and rights-of-way were or are to be applied; and".

SEC. 3. Section 109(l)(1)(A) of title 23, United States Code, is amended by striking out "any aspect of".

92 Stat. 2696.

SEC. 4. Clauses (1) and (2) of subsection (b) of section 115 of title 23, United States Code, are redesignated as (A) and (B), respectively, including any references thereto. Such subsection (b) is further amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following new paragraph:

"(2) For any project under construction on January 1, 1978, on the Interstate System and converted to a regularly funded project after January 1, 1978, for which the proceeds of bonds issued by the State, county, city, or other political subdivision of the State were used, any interest earned and payable on such bonds by the date of conversion is an eligible cost of construction, to the extent that the proceeds of such bonds have actually been expended in the construction of such projects.".

SEC. 5. (a) The fifth sentence of section 118(b) of title 23, United States Code, is amended to read as follows: "Any amount apportioned to the States for the Interstate System under subsection (b)(5)(B) of section 104 of this title shall continue to be available for expenditure in that State for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse.".

23 USC 104.

(b) The amendment made by subsection (a) of this section shall apply to all amounts apportioned under section 104(b)(5)(B) of title 23, United States Code, for the fiscal year 1978 and for subsequent fiscal years.

23 USC 118 note.

92 Stat. 2699.

SEC. 6. Section 131(c)(5) of title 23, United States Code, is amended by striking out "distribution of" and inserting in lieu thereof "distribution by".

92 Stat. 2700.

SEC. 7. (a) The first sentence of section 144(d) of title 23, United States Code, is amended by striking out "or rehabilitating such bridge with a comparable facility" and inserting in lieu thereof "such bridge with a comparable facility or in rehabilitating such bridge".

92 Stat. 2702.

(b) Section 144(m) of title 23, United States Code, is amended by striking out "major repairs" and inserting in lieu thereof "major work".

SEC. 8. (a) The third sentence of subsection (g) of section 144 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge.".

92 Stat. 2702.

(b) Notwithstanding any other provision of law discretionary bridge funds authorized under section 144(g) of title 23, United States Code, for fiscal year 1980 may be transferred to a State's apportionment under section 104(b)(6) of title 23, United States Code, to repay funds

23 USC 144 note.

obligated under section 104(b)(6) of title 23, United States Code, between June 1 and July 31, 1979, for bridge projects which are eligible for funding by virtue of the amendment in subsection (a) of this section.

SEC. 9. Section 215(f) of title 23, United States Code, is amended by striking out "chapters 1 and 5" and inserting in lieu thereof "chapter 1".

92 Stat. 2723.

SEC. 10. (a) The last sentence of section 219(c) of title 23, United States Code, is amended by striking out "construction" and inserting in lieu thereof "improvement".

92 Stat. 2722.

(b) Subsection (g) of section 152 of title 23, United States Code, is amended by striking out "September 30" and inserting in lieu thereof "December 30", and by striking out "January 1" and inserting in lieu thereof "April 1".

SEC. 11. Section 321(b) of title 23, United States Code, is amended by striking out "paragraphs (1), (2), (3)" and inserting in lieu thereof "paragraphs (1), (2)," and by striking out "70 per centum" and inserting in lieu thereof "75 per centum".

Repeal.
92 Stat. 2701.
23 USC 141 note.

SEC. 12. Subsection (e) of section 123 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is hereby repealed.

92 Stat. 2712.

SEC. 13. (a) Subsection (a) of section 143 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended (1) by striking out "section 129" and inserting in lieu thereof "sections 129 and 301", (2) by inserting "for I-88 traffic" immediately after "are free of tolls" each of the two places it appears, and (3) by inserting "and reconstruction" immediately after "construction".

(b) Subsection (b) of such section 143 is amended to read as follows:

"(b) The Secretary of Transportation is authorized to approve as a project on the Interstate System the construction of an additional lane in each direction on route I-90 between exits 24 and 25½ on condition that all lanes on I-90 between exits 24 and 26 are free of tolls for I-88 traffic.".

92 Stat. 2713.
23 USC 109 note.

SEC. 14. Section 144 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended by adding at the end thereof the following new subsection:

"(d) This section shall not apply to the Commonwealth of Puerto Rico.".

92 Stat. 2714.
23 USC 144 note.
92 Stat. 2727.

SEC. 15. Section 147 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended by inserting immediately after the fourth sentence of such section the following new sentence: "Such additional funds as may be necessary to complete the projects shall be set aside for such purpose from the amount authorized for the fiscal year ending September 30, 1981, by section 202(6) of the Highway Safety Act of 1978, before any apportionment of such amount under section 144(e) of title 23, United States Code, and such funds shall be available for obligation in the same manner and to the same extent as funds set aside under authority of the preceding sentence.".

92 Stat. 2721.
23 USC 129 note.

SEC. 16. (a) The first sentence of section 164 of the Federal-Aid Highway Act of 1978 (Public Law 95-599) is amended by striking out "toll".

(b) The second sentence of such section 164 is amended by striking out "portions which remain free to public travel." and inserting in lieu thereof "those portions which have not been incorporated into the Interstate System; and also determine a method of allocating bonded indebtedness between those portions of the Interstate System on which tolls are collected and those portions which are toll free.".

(c) The third sentence of such section 164 is amended by striking out "recommended" and inserting in lieu thereof "recommend".

SEC. 17. (a) Section 5(a)(2)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "subparagraph (C)" and inserting in lieu thereof "subparagraph (B)".

92 Stat. 2739.
49 USC 1604.

(b) The last subparagraph of paragraph (2) of subsection (a) of section 5 of the Urban Mass Transportation Act of 1964 is amended by striking out "(C)" and inserting in lieu thereof "(B)".

(c) The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "capital" and inserting in lieu thereof "construction".

(d) The third sentence of section 5(a)(4)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "in the construction of bus-related facilities", and inserting in lieu thereof "and the construction of bus-related facilities".

SEC. 18. Section 119(b) of title 23, United States Code, is amended by deleting the date "October 1st" in the second sentence and inserting in lieu thereof the date "January 1st", and by deleting "funds apportioned to such State for that fiscal year" in the third sentence and inserting in lieu thereof "next apportionment of funds to such State".

92 Stat. 2698.

SEC. 19. Section 125(b) of title 23, United States Code, is amended by inserting at the end of the first sentence the following new sentence: "Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on the Federal-aid highway systems, including the Interstate System.".

SEC. 20. (a) Section 170(b) of the Surface Transportation Act of 1978 is amended by striking "one year" and inserting in lieu thereof "eighteen months".

92 Stat. 2724.
42 USC 5904 note.

(b) Section 170(l) is amended to read as follows:

Appropriation authorization.

"(l) There is hereby authorized to be appropriated, to remain available until expended, to the Commission not to exceed $3,000,000 to carry out the purposes of this section.".

SEC. 21. Section 161(f) of the Federal-Aid Highway Act of 1973, Public Law 93-87, is amended by inserting after "managed" the following: "and maintained".

87 Stat. 279.

SEC. 22. (a) Section 204(h) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding at the end thereof the following new paragraph:

92 Stat. 306.
42 USC 2021 note.

"(3) Notwithstanding any other provision of this title, where a State assumes or has assumed, pursuant to an agreement entered into under section 274 b. of the Atomic Energy Act of 1954, authority over any activity which results in the production of byproduct material, as defined in section 11 e. (2) of such Act, the Commission shall not, until the end of the three-year period beginning on the date of the enactment of this Act, have licensing authority over such byproduct material produced in any activity covered by such agreement, unless the agreement is terminated, suspended, or amended to provide for such Federal licensing. If, at the end of such three-year period, a State has not entered into such an agreement with respect to byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, the Commission shall have authority over such byproduct material.".

42 USC 2021.

92 Stat. 3033.
42 USC 2014.

(b) Section 204(h)(1) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended to read as follows:

"(h)(1) During the three-year period beginning on the date of the enactment of this Act, notwithstanding any other provision of this title, any State may exercise any authority under State law (includ-

42 USC 2021.
92 Stat. 3033.
42 USC 2014.
92 Stat. 3036.
42 USC 2021.
92 Stat. 3039.
42 USC 2022.
42 USC 7911.

ing authority exercised pursuant to an agreement entered into pursuant to section 274 of the Atomic Energy Act of 1954) respecting (A) byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, or (B) any activity which results in the production of byproduct material as so defined, in the same manner and to the same extent as permitted before the date of the enactment of this Act, except that such State authority shall be exercised in a manner which, to the extent practicable, is consistent with the requirements of section 274 o. of the Atomic Energy Act of 1954 (as added by section 204(e) of this Act). The Commission shall have the authority to ensure that such section 274 o. is implemented by any such State to the extent practicable during the three-year period beginning on the date of the enactment of this Act. Nothing in this section shall be construed to preclude the Commission or the Administrator of the Environmental Protection Agency from taking such action under section 275 of the Atomic Energy Act of 1954 as may be necessary to implement title I of this Act.".

92 Stat. 3033.
42 USC 2113.

(c) The last sentence of section 83 a. of the Atomic Energy Act of 1954 is amended to read as follows: "Any license which is in effect on the effective date of this section and which is subsequently terminated without renewal shall comply with paragraphs (1) and (2) upon termination.".

92 Stat. 3037.
42 USC 2021 note.

(d) Section 204(e) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding after paragraph (1) the following new paragraph:

"(2) The provisions of the amendment made by paragraph (1) of this subsection (which adds a new subsection o. to section 274 of the Atomic Energy Act of 1954) shall apply only to the maximum extent practicable during the three-year period beginning on the date of the enactment of this Act."

92 Stat. 3033.
42 USC 2113.

(e) Section 83(b)(1)(A) of the Atomic Energy Act of 1954 is amended—

(1) by striking all that follows "transferred to—" down through "Unless" and inserting in lieu thereof the following:

"(i) the United States, or

"(ii) the State in which such land is located, at the option of such State,

unless"; and

(2) by striking "section 84 b." and inserting in lieu thereof "section 81 of this Act".

42 USC 2111.

TITLE II—AUTHORIZATION OF REPAYMENT

23 USC 101 *et seq.*

SEC. 201. (a) That the State of Indiana (hereinafter referred to as the "State"), acting by and through the Indiana State Highway Commission, and the Indiana Toll Road Commission (hereinafter referred to as the "commission") shall be free of all restrictions with respect to the issuance of bonds or other obligations constituting a lien against the East-West Toll Road in northern Indiana (Interstate Route 80/90) (hereinafter referred to as the "toll road") or payable out of revenues derived from the toll road and with respect to the imposition, collection, and use of tolls and other charges on the toll road contained in title 23, United States Code, or in any regulation or agreement under such title upon—

(1) repayment to the Treasurer of the United States of the sum of $1,936,894, which is the amount of Federal-aid highway funds received for the construction of the interchanges connecting the toll road with—

(A) Interstate Route 69 in Steuben County, Indiana;

(B) Interstate Route 80 in Lake County, Indiana; and

(C) Interstate Route 65 in Lake County, Indiana; and

(2) issuance of new bonds by the commission at such time and in such principal amount as will provide bond proceeds available for payment of costs of construction and acquisition of right of way not less than the amount required to undertake and complete the required construction and the required acquisition of right of way, as defined in the subparagraphs (D) and (E) of this paragraph, such issuance to be made subject to a trust indenture which will be binding on the commission and will provide—

Issuance of new bonds.

(A) that the required construction and required acquisition of right of way will be performed and that the funds from the bond proceeds will be allocated sufficient to perform the required construction and the required acquisition of right of way before any other commitment of the bond proceeds (other than the refunding of outstanding bonds and payment of costs of issuance) is made;

(B) that any revenues from the toll road, and any proceeds of the bonds issued in connection with the toll road shall, after payment of the costs of issuance, be used only (i) for payment of the costs, direct and indirect, of the required construction and the required acquisition of right of way; (ii) for the payment of the costs, direct and indirect, of the operation, maintenance, repair, and improvement of the toll road, including the construction of lane additions and the construction or modification of, and acquisition of right of way for interchanges; (iii) for the debt service, payment, and refunding of outstanding bonds, the proceeds of which were used for the construction of the toll road or any improvement thereto or for the refunding of such bonds; and (iv) for the payment to be made under paragraph (1) of this section and for the repayment to the State out of the proceeds of the sale of such new bonds of amounts required to be paid by the commission to the State under the provisions of title 8, article 15, chapter 2, section 20 of the Indiana Code of 1971, as amended to the date of enactment of this Act;

(C) that the commission will promptly commence acquisition of rights of way and preparation of final plans and specifications for the required construction and that it will commence the required construction on or before December 31, 1981, and that the commission will promptly begin acquiring all the required acquisition of right of way and will commence acquiring such rights of way on or before December 31, 1981;

(D) that the term "required construction" shall mean and include the following, all given equal priority:

"Required construction."

(i) construction of a new interchange at Indiana State Highway 912 South (Cline Avenue) in Lake County, Indiana, and

(ii) construction of a new interchange at Mishawaka in St. Joseph County, Indiana, between mileposts 080 and 085 of the toll road after consultation with the executive authority of the County of St. Joseph and the executive authority of the city of Mishawaka, Indiana, and

(iii) construction of a new interchange in Elkhart County, Indiana, located between mileposts 095 and 102 of the toll road after consultation with the executive authority of the county of Elkhart, and

(iv) construction of a new interchange at Willowcreek Road in Porter County, Indiana, and

(v) construction of a new interchange at Indiana State Highway 912 North (Cline Avenue) in Lake County, Indiana, and

(vi) construction of a new interchange at Indiana Highway 53 (Broadway) in Lake County, Indiana, and

(vii) completion of construction of a new interchange at United States Highway 31 bypass in St. Joseph County, Indiana, located at milepost 072 of the toll road;

"Required acquisition of right of way."

(E) that the term "required acquisition of right of way" shall mean and include the following:

(i) acquisition of right of way at State Road 149 in Porter County, Indiana, sufficient for placement of a future interchange as construction funds (other than proceeds of the bonds issued in connection with the trust indenture provided herein) become available and after consultation with the executive authority of the county of Porter, and

(ii) acquisition of right of way at United States Highway 20 in LaPorte County, Indiana, sufficient for placement of a future interchange as construction funds (other than proceeds of the bonds issued in connection with the trust indenture provided for herein) become available and after consultation with the executive authority of the county of LaPorte.

(b) The amount repaid to the United States under this title shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogramed balance of the Federal-aid highway funds of the same class last apportioned to the State of Indiana. The amount so credited shall be in addition to all other funds then apportioned to the State of Indiana and shall be available for expenditure in accordance with the provisions of title 23, United States Code. 23 USC 101.

Approved November 9, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-288 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-333 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- July 9, considered and passed House.
- Oct. 24, considered and passed Senate, amended.
- Oct. 26, House concurred in certain Senate amendments, and in Senate amendment No. 7 with an amendment.
- Oct. 29, Senate agreed to House amendment.

Public Law 96-107
96th Congress

An Act

Nov. 9, 1979
[S. 428]

To authorize appropriations for fiscal year 1980 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1980 for civil defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That this Act may be cited as the "Department of Defense Authorization Act, 1980".**

Department of Defense Authorization Act, 1980.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1980 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $1,002,600,000; for the Navy and the Marine Corps, $4,534,900,000; for the Air Force, $7,842,340,000.

MISSILES

For missiles: for the Army, $1,202,900,000; for the Navy, $1,575,100,000; for the Marine Corps, $20,500,000; for the Air Force, $2,263,800,000.

NAVAL VESSELS

For naval vessels: for the Navy, $6,706,800,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $1,679,000,000; for the Marine Corps, $13,000,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $336,800,000.

OTHER WEAPONS

For other weapons: for the Army, $170,500,000; for the Navy, $153,000,000; for the Marine Corps, $25,200,000.

REPORT ON B-52 AIRCRAFT MODIFICATION PROGRAM

Report to Congress.

SEC. 102. Of the amount authorized to be appropriated under section 101 for procurement of aircraft for the Air Force, $431,900,000 is authorized for the procurement of avionics and cruise missile integration for the B-52 aircraft modification program subject to the condition that the Secretary of Defense provide to the Congress at the earliest possible date, and not later than November 30, 1979, a report on—

(1) all uncertainties in the effectiveness of the B-52 aircraft as a cruise missile carrier over the next decade, including any degradation of defense penetration capabilities of the B-52 aircraft which could result from possible air defense advances by the Soviet Union; and

(2) the requirement for maintaining the defense penetration capability of the B-52 aircraft and the options available during the next decade to maintain such capability.

AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTION TO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) FOR NATO

SEC. 103. There is authorized to be appropriated for fiscal year 1980 the sum of $243,100,000 to be available only for contribution by the United States of its share of the cost for such fiscal year of the acquisition by the North Atlantic Treaty Organization of the Airborne Early Warning and Control System (AWACS).

CERTAIN AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 104. (a) During fiscal year 1980, the Secretary of Defense, in carrying out the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978, may—

Waivers.

(1) waive reimbursement for the cost of the following functions performed by personnel other than personnel employed in the United States Air Force Airborne Warning and Control System (AWACS) program office:

(A) auditing;
(B) quality assurance;
(C) codification;
(D) inspection;
(E) contract administration;
(F) acceptance testing;
(G) certification services; and
(H) planning, programming, and management services;

(2) waive any surcharge for administrative services otherwise chargeable; and

(3) in connection with the NATO E-3A Cooperative Programme for fiscal year 1980, assume contingent liability for—

(A) program losses resulting from the gross negligence of any contracting officer of the United States;

(B) identifiable taxes, customs duties, and other charges levied within the United States on the program; and

(C) the United States share of the unfunded termination liability.

(b) Authority under this section to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Funds are hereby authorized to be appropriated for fiscal year 1980 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,866,461,000, of which $3,000,000 is authorized only for the performance and completion of a feasibility demonstration of launching Heliborne Missiles (HELLFIRE) from UH-60 helicopters.

Heliborne Missiles.

For the Navy (including the Marine Corps), $4,542,992,000, of which (1) $60,000,000 is authorized only for the continued research, development, test, and evaluation of the 3,000-ton prototype Surface Effect Ship (SES), and (2) $30,000,000 is authorized only for joint Navy/Air Force full-scale engineering development of the Air-to-Ground Standoff Missile system which is to be available for production on or before December 31, 1984.

Surface Effect Ship.
Air-to-Ground Standoff Missile system.

For the Air Force, $4,994,046,000, of which (1) $670,000,000 is authorized only for the concurrent full-scale engineering development of the missile basing mode known as the Multiple Protective Structure (MPS) system and the MX missile, as provided in section 202 of the Department of Defense Supplemental Appropriation Authorization Act, 1979 (Public Law 96-29), and (2) $30,000,000 is authorized only for the research, development, test, and evaluation required for competitive hardware demonstration of the Strategic Weapons Launcher and a derivative of a military aircraft or a commercial aircraft, in order to establish not later than September 30, 1981, the utility of these aircraft as cruise missile carriers.

Multiple Portective Structure system.
MX missile.
Strategic Weapons Launcher.
Ante, p. 79.

For the Defense Agencies, $1,110,618,000, of which $42,500,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

REPORT ON NEW BASING MODE FOR INTERCONTINENTAL BALLISTIC MISSILES

SEC. 202. The Secretary of Defense shall submit to the Congress in writing, not later than March 1, 1980, a report evaluating in detail the ability of the basing mode for land-based intercontinental ballistic missiles known as the Multiple Protective Structure (MPS) system to survive foreseeable attempts by the Soviet Union to neutralize such system.

Report to Congress.

RESTRICTION ON THE USE OF FUNDS FOR DEVELOPMENT OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM

SEC. 203. None of the funds authorized to be appropriated by this Act for the development of the Extremely Low Frequency (ELF) communication system may be obligated or expended for the development of such system unless the President certifies to the Congress in writing that the use of funds for such purpose is in the national interest, that a site has been selected for the deployment of such

Presidential certification to Congress.

system, and that the President has approved such site for the deployment of such system, and in no event may any of the funds authorized to be appropriated by this Act be used for full scale development or construction of another test-bed facility for an Extremely Low Frequency (ELF) communication system.

TITLE III—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 301. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1980, as follows:

(1) The Army, 776,700.
(2) The Navy, 528,000.
(3) The Marine Corps, 189,000.
(4) The Air Force, 558,000.

AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS

SEC. 302. (a) Section 3218 of title 10, United States Code, is amended by striking out "and those serving in the National Guard Bureau" and inserting in lieu thereof "those serving in the National Guard Bureau, and those counted under section 3202 of this title".

10 USC 5457.

(b) Section 5457(a) of such title is amended by inserting after "rear admiral" a comma and "exclusive of those counted under section 5442 of this title,".

10 USC 5458.

(c) Section 5458(a) of such title is amended by inserting after "combined" a comma and "exclusive of those counted under section 5443 of this title,".

10 USC 8218.

(d) Section 8218 of such title is amended by striking out "and those serving in the National Guard Bureau" and inserting in lieu thereof "those serving in the National Guard Bureau, and those counted under section 8202 of this title".

ANNUAL OFFICER GRADE DISTRIBUTION REPORT AND PROMOTION PLAN TO BE INCLUDED AS PART OF THE ANNUAL MANPOWER REQUIREMENTS REPORT RATHER THAN AS A SEPARATE REPORT

Repeal.
10 USC 686.

SEC. 303. (a)(1) Section 686 of title 10, United States Code, providing for an annual officer grade distribution report, is repealed.

(2) The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 686.

10 USC 138.

(b) Paragraph (3) of section 138(c) of such title, providing for an annual manpower requirements report, is amended to read as follows:

Report to Congress.

"(3)(A) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the annual active duty end strength level for each component of the armed forces for the next fiscal year and the annual civilian personnel end strength level for each component of the Department of Defense for the next fiscal year, and shall include in that report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time. The justification and explanation shall specify in detail for all military forces (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the—

"(i) unit mission and capability;

"(ii) strategy which the unit supports; and

"(iii) area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.

"(B) The Secretary of Defense shall also include in the report required under subparagraph (A) a detailed discussion of—

"(i) the manpower required for support and overhead functions within the armed forces and the Department of Defense;

"(ii) the relationship of the manpower required for support and overhead functions to the primary combat missions and support policies; and

"(iii) the manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

"(C) In such report, the Secretary of Defense shall also identify, define, and group by mission and by region the types of military bases, installations, and facilities and shall provide an explanation and justification of the relationship between this base structure and the proposed military force structure together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce such costs.

"(D) The Secretary of Defense shall also include in such report with respect to each armed force under the jurisdiction of the Secretary of a military department—

"(i) the estimated requirements in members on active duty during the next fiscal year;

"(ii) the estimated number of commissioned officers in each grade on active duty and to be promoted during the next fiscal year; and

"(iii) an analysis of the distribution by grade of commissioned officers on active duty at the time the report is prepared.".

TITLE IV—RESERVE FORCES

AUTHORIZATION OF STRENGTHS

SEC. 401. (a) For fiscal year 1980, the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 355,700.
(2) The Army Reserve, 197,400.
(3) The Naval Reserve, 87,000.
(4) The Marine Corps Reserve, 33,600.
(5) The Air National Guard of the United States, 92,500.
(6) The Air Force Reserve, 57,300.
(7) The Coast Guard Reserve, 11,700.

(b) Within the average strengths prescribed by subsection (a), the reserve components of the Armed Forces are authorized, as of September 30, 1980, the following number of Reserves to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 6,244.
(2) The Army Reserve, 4,288.
(3) The Naval Reserve, 707.
(4) The Marine Corps Reserve, 67.
(5) The Air National Guard of the United States, 1,560.
(6) The Air Force Reserve, 681.

Reduction.

(c) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AMENDMENTS TO SELECTED RESERVE EDUCATIONAL ASSISTANCE PROGRAM

SEC. 402. (a) Section 2131(b)(1) of title 10, United States Code, is amended by striking out "50 percent" and inserting in lieu thereof "100 percent".

10 USC 2133.

(b) Section 2133(b) of such title is amended to read as follows:

"(b)(1) A member who fails to participate satisfactorily in training with his unit, if he is a member of a unit, during a term of enlistment for which the member entered into an agreement under section 2132(a)(4) of this title shall refund an amount computed under paragraph (2) unless the failure to participate in training was due to reasons beyond the control of the member. Any refund by a member under this section shall not affect the period of obligation of such member to serve as a Reserve.

"(2) The amount of any refund under paragraph (1) shall be the amount equal to the product of—

"(A) the number of months of obligated service remaining during that term of enlistment divided by the total number of months of obligated service of that term of enlistment; and

"(B) the total amount of educational assistance provided to the member under section 2131 of this title.".

10 USC 2131 note.

(c) The amendments made by this section shall apply only to individuals enlisting in the Reserves after September 30, 1979.

DISCRETIONARY AUTHORITY OF SECRETARY CONCERNED TO RETAIN CERTAIN RESERVE OFFICERS ON ACTIVE DUTY UNTIL AGE 60

SEC. 403. (a) Section 3855 of title 10, United States Code, is amended by inserting "Veterinary Corps," after "Dental Corps,".

10 USC 8855.

(b) Section 8855 of such title is amended by inserting "veterinary officer," after "dental officer,".

REPEAL OF AUTHORITY FOR ADDITIONAL PAY FOR PERFORMANCE OF ADMINISTRATIVE FUNCTIONS BY OFFICERS OF THE NATIONAL GUARD AND RESERVE COMPONENTS

Repeal.

SEC. 404. (a)(1) Section 309 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking out the item relating to section 309.

(b) The amendments made by this section shall apply only with respect to administrative functions performed after September 30, 1980.

37 USC 309 note.

TITLE V—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 501. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1980, of 983,600.

Report to Congress.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy (including the Marine Corps), the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program, and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

Personnel increase, limitation.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 1¼ percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

Notification to Congress.

(e) During fiscal year 1980, the Secretary of Defense shall manage the manpower resources of the Department of Defense in a manner that will insure that those functions of the Department of Defense involving maintenance, construction, engineering acquisition, or repair activities will be provided civilian manpower resources sufficient to fulfill the work requirements for which funds have been appropriated on a schedule consistent with the requirements of national security and military readiness.

TITLE VI—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 601. (a) For fiscal year 1980, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 54,865.
(2) The Navy, 61,913.
(3) The Marine Corps, 22,618.
(4) The Air Force, 43,249.
(5) The Army National Guard of the United States, 7,985.
(6) The Army Reserve, 4,772.
(7) The Naval Reserve, 906.
(8) The Marine Corps Reserve, 3,156.
(9) The Air National Guard of the United States, 1,958.
(10) The Air Force Reserve, 1,276.

(b) In addition to the number authorized for the Army, the Army National Guard of the United States, and the Army Reserve in subsection (a), such components are authorized military training student loads of not less than the following numbers to be utilized solely for one station unit training:

(1) The Army, 19,603.
(2) The Army National Guard of the United States, 6,631.
(3) The Army Reserve, 1,556.

Apportionment adjustment.

(c) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) for fiscal year 1980 shall be adjusted consistent with the manpower strengths authorized in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE VII—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There is authorized to be appropriated for fiscal year 1980 for the purpose of carrying out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251-2297) the sum of $106,800,000.

INCREASE IN AMOUNTS THAT MAY BE APPROPRIATED FOR CONTRIBUTIONS TO STATES FOR PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 702. The last proviso of section 408 of the Civil Defense Act of 1950 (50 U.S.C. App. 2260) is amended by striking out everything after the last semicolon and inserting in lieu thereof "and appropriations for contributions to the States for personnel and administrative expenses under section 205 shall not exceed $40,000,000 per annum.".

50 USC app. 2286.

TITLE VIII—GENERAL PROVISIONS

AMENDMENTS TO THE UNIFORM CODE OF MILITARY JUSTICE

SEC. 801. (a) Section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(a)" before "The" at the beginning of such section; and

(2) by adding at the end thereof the following new subsections:

"(b) The voluntary enlistment of any person who has the capacity to understand the significance of enlisting in the armed forces shall be valid for purposes of jurisdiction under subsection (a) of this section and a change of status from civilian to member of the armed forces shall be effective upon the taking of the oath of enlistment.

"(c) Notwithstanding any other provision of law, a person serving with an armed force who—

"(1) submitted voluntarily to military authority;

"(2) met the mental competency and minimum age qualifications of sections 504 and 505 of this title at the time of voluntary submission to military authority;

"(3) received military pay or allowances; and

"(4) performed military duties;

is subject to this chapter until such person's active service has been terminated in accordance with law or regulations promulgated by the Secretary concerned.".

(b) Section 836(a) of such title (article 36(a) of the Uniform Code of Military Justice) is amended by striking out "The procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals" and inserting in lieu thereof "Pretrial, trial, and post-trial procedures, including modes of proof, for cases arising under this chapter triable in courts-martial, military commissions and other military tribunals, and procedures for courts of inquiry,". 10 USC 836.

WAIVER OF APPLICABILITY OF OMB CIRCULAR A-76 TO CONTRACTING OUT OF CERTAIN RESEARCH AND DEVELOPMENT ACTIVITIES

SEC. 802. (a) Except as provided in subsection (b), neither the implementing instructions for, nor the provisions of, Office of Management and Budget Circular A-76 (issued on August 30, 1967, and reissued on October 18, 1976, June 13, 1977, and March 29, 1979) shall control or be used for policy guidance for the obligation or expenditure of any funds which under section 138(a)(2) of title 10, United States Code, are required to be specifically authorized by law. 10 USC 138 note.

(b) Funds which under section 138(a)(2) of title 10, United States Code, are required to be specifically authorized by law may be obligated or expended for operation or support of installations or equipment used for research and development (including maintenance support of laboratories, operation and maintenance of test ranges, and maintenance of test aircraft and ships) in compliance with the implementing instructions for and the provisions of such Office of Management and Budget Circular.

(c) No law enacted after the date of the enactment of this Act shall be held, considered, or construed as amending, superseding, or otherwise modifying any provision of this section unless such law does so by specifically and explicitly amending, repealing, or superseding this section.

AMENDMENTS RELATING TO THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEC. 803. (a) Section 2112(b) of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "In so prescribing the number of persons to be graduated from the University, the Secretary of Defense shall, upon recommendation of the Board of Regents, institute actions necessary to ensure the maximum number of first-year enrollments in the University consistent with the academic capacity of the University and the needs of the uniformed services for medical personnel.".

10 USC 2114.

(b) Section 2114(b) of such title is amended by striking out "uniform" in the first sentence of such section and inserting in lieu thereof "uniformed".

10 USC 2115.

(c)(1) The first two sentences of section 2115 of such title are amended to read as follows: "The Secretary of Defense may allow not more than 20 percent of the graduates of each class at the University to perform civilian Federal service for not less than seven years following the completion of their professional education in lieu of active duty in a uniformed service if the needs of the uniformed services do not require that such graduates perform active duty in a uniformed service and as long as the Secretary of Defense does not recall such persons to active duty in the uniformed services. Such persons who execute an agreement in writing to perform such civilian Federal service may be released from active duty following the completion of their professional education.".

(2) The section heading of such section is amended to read as follows:

"§ 2115. Graduates: limitation on number permitted to perform civilian Federal service".

(3) The item relating to section 2115 in the table of sections at the beginning of chapter 104 of such title is amended to read as follows:

"2115. Graduates: limitation on number permitted to perform civilian Federal service.".

AMENDMENTS RELATING TO COMPENSATION OF HEALTH PROFESSIONALS

SEC. 804. (a) Section 2121(d) of title 10, United States Code, relating to stipends for members of the Armed Forces Health Professions Scholarship program, is amended to read as follows:

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate in effect under paragraph (1)(B) of section 751(g) of the Public Health Service Act (42 U.S.C. 294t(g)) for students in the National Health Service Corps Scholarship program.".

(b) Section 313(a) of title 37, United States Code, relating to special pay for medical officers who execute active duty agreements, is amended—

(1) by striking out clause (4) and redesignating clauses (5) and (6) as clauses (4) and (5), respectively; and

(2) by inserting after the first sentence of such subsection the following new sentence: "However, while serving an active duty obligation resulting from a medical education program leading to appointment or designation as a medical officer, such an officer shall be paid $9,000 (rather than an amount determined under the preceding sentence) for each year of the active duty agreement.".

Effective date.
10 USC 2121 note.

(c) The amendments made by this section shall take effect on October 1, 1979.

SIX-YEAR SERVICE OBLIGATION FOR PERSONS ENLISTING AFTER AGE 26

SEC. 805. (a) Section 511(d) of title 10, United States Code, is amended—

(1) by striking out "who is under 26 years of age,"; and

(2) by striking out the comma after "in an armed force".

10 USC 651.

(b) Section 651 of such title is amended by striking out "before his twenty-sixth birthday".

10 USC 511 note.

(c) The amendments made by this section shall apply only to individuals who become members of an Armed Force after the date of the enactment of this Act.

RESTRICTION ON CONVERTING PERFORMANCE OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS FROM DEPARTMENT OF DEFENSE PERSONNEL TO PRIVATE CONTRACTORS

10 USC 2304 note.

SEC. 806. (a) During fiscal year 1980, no commercial or industrial type function of the Department of Defense that on the date of the enactment of this Act is being performed by Department of Defense personnel may be converted to performance by a private contractor—

(1) to circumvent any civilian personnel ceiling; and

(2) unless the Secretary of Defense shall provide to the Congress in a timely manner—

Notification and certification to Congress.

(A) notification of any decision to study such commercial or industrial type function for possible performance by a private contractor, together with a certification that the government in-house cost calculation for the function is based on an estimate of the most efficient and cost effective organization for in-house performance;

Report to Congress.

(B) if a decision is made to convert to contract performance, upon completing the study described in subparagraph (A) and before contracting for the performance of such function by a private contractor, a report showing—

(i) the potential economic effect on employees affected, and the potential economic effect on the local community and Federal Government if more than 50 employees are involved, of contracting for performance of such function;

(ii) the effect of contracting for performance of such function on the military mission of such function; and

(iii) the amount of the bid accepted for the performance of such function by the private contractor whose bid is accepted and the cost of performance of such function by Department of Defense personnel, together with costs and expenditures which the Government will incur because of the contract.

Report to Congress.

(b) The Secretary of Defense shall submit a written report to the Congress by February 1, 1980, describing the extent to which commercial and industrial type functions were performed by Department of Defense contractors during fiscal year 1979. The Secretary shall also include in such report an estimate of the percentage of commercial and industrial type functions of the Department of Defense that will be performed by Department of Defense personnel and the percentage of such functions that will be performed by private contractors during fiscal year 1980.

ADVANCE PAYMENT OF STATION HOUSING ALLOWANCES FOR MEMBERS OF THE UNIFORMED SERVICES ASSIGNED OVERSEAS

SEC. 807. (a) Section 405 of title 37, United States Code, relating to allowances for members on duty outside the United States or in Alaska or Hawaii, is amended by inserting after the third sentence in such section the following new sentence: "A station housing allowance prescribed under this section may be paid in advance.".

Effective date.
37 USC 405 note.

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

ANNUAL REPORT ON NATO READINESS

Report to congressional committees.
10 USC 131 note.

SEC. 808. (a) Each year the Secretary of Defense shall assess, and make findings with respect to, the readiness status of the military forces of the North Atlantic Treaty Organization and shall submit a report of such assessment and findings to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives on the same date that the President transmits to the Congress the Budget. The first such report shall be submitted on the date the Budget for fiscal year 1981 is transmitted.

(b) The annual assessment by the Secretary of Defense under subsection (a) shall include the assessment and findings of the Secretary of Defense with respect to—

(1) deficiencies in the readiness of the North Atlantic Treaty Organization (including an analysis of such deficiencies in each member nation of the North Atlantic Treaty Organization) with respect to—

(A) war reserve stocks;

(B) command, control, and communications systems (including the susceptibility of such systems to degradation by potential overt activities of the Warsaw Pact);

(C) electronic warfare capabilities;

(D) offensive and defensive chemical warfare capabilities;

(E) air defense capabilities (including ground and air systems and the integration of ground systems with air systems);

(F) armor and anti-armor capabilities;

(G) firepower capabilities;

(H) forward deployed units and the proximity of such units to assigned general defensive positions;

(I) the availability of ammunition;

(J) the availability, responsiveness, and overall effectiveness of reserve forces;

(K) airlift capabilities to meet reinforcement and resupply requirements;

(L) the ability to protect, cross-service, and stage air assets from allied air fields;

(M) the maritime force capabilities (including sealift, minelaying, and minesweeping capabilities);

(N) logistical support arrangements (including the availability of ports, air fields, transportation, and host nation support);

(O) training (including the availability of the facilities and equipment needed to conduct realistic operational exercises); and

(P) the compatibility of operational doctrine and procedures among armed forces of the member nations;

(2) planned corrections in the identified readiness deficiencies of the United States with respect to the North Atlantic Treaty Organization and that portion of the Budget transmitted to the Congress by the President on the date such report is transmitted which is allocated for such corrections; and

(3) commitments made by other member nations of the North Atlantic Treaty Organization to correct readiness deficiencies of such nations (including any deficiencies of such nations in the items listed in paragraph (1)) and an identification of particular

improvements to be made in readiness by weapons system, program, or activity.

QUARTERLY SELECTED ACQUISITION REPORTS TO CONGRESS

SEC. 809. Section 811(a) of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 539) is amended to read as follows:

10 USC 139 note.

"(a) Beginning with the quarter ending December 31, 1979, the Secretary of Defense shall submit quarterly to the Congress written selected acquisition reports for those major defense systems which are estimated to require a total cumulative financing for research, development, test, and evaluation in excess of $75,000,000 or a cumulative production investment in excess of $300,000,000. The report for the quarter ending on December 31 of any fiscal year shall be submitted within 20 days after the President transmits the Budget to the Congress for the following fiscal year, and the reports for the other three quarters of any fiscal year shall be submitted within 30 days after the end of the quarter. If a preliminary report is submitted for any quarter, then the final report for such quarter shall be submitted to the Congress within 15 days after the submission of such preliminary report.".

Reports to Congress.
10 USC 139 note.

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1980 OLYMPIC WINTER GAMES

SEC. 810. There is authorized to be appropriated to the Secretary of Defense for fiscal year 1980 an amount not to exceed $10,000,000 for the purpose of providing assistance for the 1980 Olympic winter games, as authorized by section 816(a) of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 92 Stat. 1626). Except for funds used for pay and nontravel related allowances of members of the Armed Forces, no funds may be obligated or expended for the purpose of carrying out such section unless specifically appropriated for such purpose. The costs for pay and nontravel related allowances of members of the Armed Forces may not be charged to appropriations made pursuant to this authorization.

PRESIDENTIAL RECOMMENDATIONS FOR SELECTIVE SERVICE REFORM

SEC. 811. (a) The President shall prepare and transmit to the Congress a plan for a fair and equitable reform of the existing law providing for registration and induction of persons for training and service in the Armed Forces. Such plan shall include recommendations with respect to—

Plan, transmittal to Congress.
50 USC app. 451 note.

(1) the desirability and feasibility of resuming registration under the Military Selective Service Act as in existence on the date of the enactment of this Act;

(2) the desirability and feasibility of establishing a method of automatically registering persons under the Military Selective Service Act through a centralized, automated system using existing records, together with a discussion of the impact of such method, or of alternative methods of establishing such a registration system, on privacy rights under the Constitution and under statutes protecting such rights (including section 552a of title 5, United States Code, commonly referred to as the "Privacy Act") and any proposal for reform of such Privacy Act or other statutes, relevant court decisions relating to Selective Service

procedures, and the impact of such alternative methods on other constitutional issues;

(3) the desirability of the enactment of authority for the President to induct persons registered under such Act for training and service in the Armed Forces during any period with respect to which the President determines that such authority is required in the interest of the national defense;

(4) whether women should be subject to registration under such Act and to induction for training and service in the Armed Forces under such Act;

(5) the desirability and feasibility of providing authority for the President to induct persons into the Individual Ready Reserve;

(6) whether persons registered under such Act should also be immediately classified and examined or whether classification and examination of registrants should be subject to the discretion of the President;

(7) such changes in the organization and operation of the Selective Service System as the President determines are necessary to enable the Selective Service System to meet the personnel requirements of the Armed Forces during a mobilization in a more efficient and expeditious manner than is presently possible;

(8) the desirability, in the interest of preserving discipline and morale in the Armed Forces, of establishing a national youth service program permitting volunteer work, for either public or private public service agencies, as an alternative to military service;

(9) such other changes in existing law relating to registration, classification, selection, and induction as the President considers appropriate; and

(10) other possible procedures that could be established to enable the Armed Forces to meet their personnel requirements.

Legislative proposals, transmittal to Congress.

(b) The President shall transmit with the plan required by subsection (a) proposals for such legislation as may be necessary to implement the plan and to revise and modernize the Military Selective Service Act.

(c) The plan required by subsection (a), together with the proposed legislation required by subsection (b), shall be transmitted to the Congress not later than January 15, 1980, or the end of the three-month period beginning on the date of the enactment of this Act, whichever is later.

PRESERVATION OF SELECTIVE SERVICE SYSTEM AS AN INDEPENDENT AGENCY

SEC. 812. Section 1 of the Military Selective Service Act (50 U.S.C. App. 451) is amended by adding at the end thereof the following new subsection:

"(f) The Congress further declares that the Selective Service System should remain administratively independent of any other agency, including the Department of Defense.".

STUDY OF TITAN II MISSILE SYSTEMS

Report to congressional committees.

SEC. 813. The Secretary of the Air Force shall conduct an investigation of Titan II missile systems located within the United States to assess the physical condition of those facilities and components thereof as well as relevant maintenance procedures. Not later than 180 days after the date of the enactment of this Act, the findings of that investigation, along with recommendations for any needed physical or procedural improvements to protect the public safety (including the safety of military personnel assigned to those systems) shall be reported to the Committees on Armed Services of the Senate and House of Representatives.

LIMITATION ON OVERSEAS TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS

SEC. 814. Section 406 of title 37, United States Code, relating to travel and transportation allowances for dependents, is amended—

(1) by striking out "A" at the beginning of subsection (a) of such section and inserting in lieu thereof "Except as provided in subsection (i) of this section, a";

(2) by striking out "In" at the beginning of subsection (h) of such section and inserting in lieu thereof "Except as provided in subsection (i) of this section, in"; and

(3) by adding at the end of such section the following new subsection:

"(i)(1) After September 30, 1980, and except as provided in paragraph (3) of this subsection, the allowance and transportation authorized by subsection (a) and subsection (h) of this section for travel and transportation of dependents may not be provided with respect to travel and transportation of any dependent of a member of the Army, Navy, Air Force, or Marine Corps from any place inside the United States to any place outside the United States, or from any place outside the United States to any place inside the United States, during any period in which the number of dependents accompanying members of the Army, Navy, Air Force, and Marine Corps who are stationed outside the United States and who are authorized by the Secretary concerned to receive such allowance or transportation for dependents exceeds 325,000.

"(2)(A) The Secretary of Defense shall allocate among the three military departments the limitation established by paragraph (1) with respect to the total number of dependents who may be accompanying members of the Army, Navy, Air Force, and Marine Corps stationed overseas who are entitled under subsection (a) or (h) to travel and transportation for dependents before the allowance for such travel and transportation is suspended under such paragraph.

"(B) The Secretary of each military department, in his discretion, shall administer the limitation on the number of dependents who may be provided travel and transportation under subsections (a) and (h) allocated to his military department under subparagraph (A) in such manner as the Secretary considers to be fair and in the best interest of the United States.

"(3) Paragraph (1) does not prohibit the provision of travel and transportation under subsection (a) or subsection (h) of this section for travel and transportation of dependents from a place outside the United States to a place inside the United States if the travel and transportation of such dependents to such place outside the United States was authorized under subsection (a) or subsection (h) of this section at the time of the travel and transportation of such dependents to such place outside the United States.".

PURCHASES OF GASOHOL AS A FUEL FOR MOTOR VEHICLES

SEC. 815. To the maximum extent feasible and consistent with overall defense needs and sound vehicle management practices, as determined by the Secretary of Defense, the Department of Defense is

10 USC 2388 note.

authorized and directed to enter into contracts by competitive bid, subject to appropriations, for the purchase of domestically produced alcohol or alcohol-gasoline blends containing at least 10 percent domestically produced alcohol for use in motor vehicles owned or operated by the Department of Defense.

EXTENSION OF PERIOD FOR CERTAIN RESERVISTS TO ELECT COVERAGE UNDER SURVIVOR BENEFIT PLAN

SEC. 816. Section 208 of the Uniformed Services Survivors' Benefits Amendments of 1978 (Public Law 95-397; 10 U.S.C. 1447 note) is amended—

(1) by striking out "the end of the nine-month period beginning on the effective date of this title" and inserting in lieu thereof "January 1, 1980"; and

(2) by striking out "at the end of the one-year period beginning on the effective date of this title" and inserting in lieu thereof "on March 31, 1980".

EXTENSION OF PERIOD FOR REDUCTION IN NUMBER OF SENIOR-GRADE CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE

SEC. 817. Paragraphs (1) and (2) of section 811(a) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 131 note), are amended to read as follows:

"(1) After October 1, 1980, the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and on active duty in the Navy above the grade of captain, may not exceed 1,073.

5 USC 5332 note.

"(2) After September 30, 1981, the total number of civilian employees of the Department of Defense in grades GS-13 through GS-18 (including positions authorized under section 1581 of title 10, United States Code) may not exceed the number equal to the number of such employees employed by the Department of Defense on July 30, 1977, reduced by the same percentage as the percentage by which the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and on active duty in the Navy above the grade of captain, is reduced below 1,141 during the period beginning on October 1, 1977, and ending on September 30, 1980.".

SENSE OF CONGRESS CONCERNING IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS FROM ZIMBABWE-RHODESIA

22 USC 287c note.

SEC. 818. It is the sense of the Congress that the United States should have unlimited access to strategic and critical materials which are vital to the defense and security of the United States and that every effort should be made to remove artificial impediments against the importation of such materials into the United States from Zimbabwe-Rhodesia.

REPORTING REQUIREMENT REGARDING SALARIES OF OFFICERS OF FEDERAL CONTRACT RESEARCH CENTERS

SEC. 819. (a)(1) Chapter 139 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2359.

"§ 2359. Salaries of officers of Federal contract research centers: reports to Congress

"The Secretary of Defense shall notify the Congress not later than January 31 of each year of any officer or employee of a Federal contract research center the amount of whose compensation paid out of Federal funds during the preceding calendar year exceeded the annual rate of basic pay authorized (without regard to any limitation on the payment of such pay) for level II of the Executive Schedule under section 5313 of title 5 on the last day of such year. Such notification shall include a detailed statement of the reasons for the payment of such amount of compensation to each such officer or employee.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2359. Salaries of officers of Federal contract research centers: reports to Congress.".

(b) The first notification under section 2359 of title 10, United States Code, as added by subsection (a), shall be made not later than January 31, 1980. 10 USC 2359 note.

(c) Section 407 of Public Law 91-121 (83 Stat. 208; 10 U.S.C. 2358 note) is repealed. Repeal. 10 USC 2358 note.

TECHNICAL AMENDMENTS TO TITLES 5 AND 10, UNITED STATES CODE, TO REFLECT CHANGES MADE BY THE DEPARTMENT OF DEFENSE REORGANIZATION ORDER OF MARCH 7, 1978

SEC. 820. (a) Section 136(a) of title 10, United States Code, relating to the Assistant Secretaries of Defense, is amended by striking out "nine" and inserting in lieu thereof "seven".

(b) Section 3013 of such title, relating to the Under Secretary and Assistant Secretaries of the Army, is amended by striking out "five" and inserting in lieu thereof "four". 10 USC 3013.

(c) Section 5034(a) of such title, relating to the Assistant Secretaries of the Navy, is amended by striking out "four" and inserting in lieu thereof "three". 10 USC 5034.

(d) Section 8013 of such title, relating to the Under Secretary and Assistant Secretaries of the Air Force, is amended by striking out "four" and inserting in lieu thereof "three". 10 USC 8013.

(e)(1) Paragraphs (13), (14), (15), and (16) of section 5315 of title 5, United States Code, relating to positions at level IV of the Executive Schedule, are amended to read as follows:

"(13) Assistant Secretaries of Defense (7).

"(14) Assistant Secretaries of the Air Force (3).

"(15) Assistant Secretaries of the Army (4).

"(16) Assistant Secretaries of the Navy (3).".

(2) Paragraph (96) of section 5316 of such title, relating to positions at level V of the Executive Schedule, is amended to read as follows: 5 USC 5316.

"(96) Deputy Under Secretaries of Defense for Research and Engineering, Department of Defense (4).".

CORRECTION OF ERRONEOUS SECTION DESIGNATION

SEC. 821. (a) The last section in chapter 49 of title 10, United States Code, relating to military unions (as added by Public Law 95-610; 92 Stat. 3085), is redesignated as section 976. 10 USC 976.

(b) The item relating to such section in the table of sections at the beginning of such chapter is amended by striking out "975" and inserting in lieu thereof "976".

Approved November 9, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-166 accompanying H.R. 4040 (Comm. on Armed Services) and Nos. 96-521 and 96-546 (Comm. of Conference).

SENATE REPORTS: No. 96-197 (Comm. on Armed Services) and No. 96-371 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

June 11-13, considered and passed Senate.

Sept. 12-14, H.R. 4040, considered and passed House; passage vacated and S. 428, amended, passed in lieu.

Oct. 24, Senate agreed to conference report.

Oct. 26, House agreed to conference report.

Public Law 96-108
96th Congress

An Act

Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1980, and for other purposes.

Nov. 9, 1979
[H.R. 4387]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1980, and for other purposes; namely:

Agriculture, rural development, and related agencies appropriations, fiscal year 1980.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including not to exceed $75,000 for employment under 5 U.S.C. 3109, $4,470,000: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

DEPARTMENTAL ADMINISTRATION

For Budget, Planning and Evaluation, and Public Participation, $3,196,000; for Operations and Finance, Personnel, Equal Opportunity, Safety and Health Management and Management Analysis, $8,455,000; for Governmental and Public Affairs, including the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, $7,772,000; making a total of $19,423,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, and, not to exceed $2,340,000 may be used for farmers' bulletins and not less than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further,* That no part of this or any other appropriation contained in this Act may be used to reimburse the General Services Administration in excess of $750,000 for publications distributed by the Consumer Information Center.

Office of the Inspector General

Funds, transfer.

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), $25,527,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and in addition, $8,924,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation.

5 USC app.

Office of the General Counsel

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, $11,000,000.

Federal Grain Inspection Service

7 USC 71.

7 USC 1621 note.

For necessary expenses to carry out the provisions of the United
States Grain Standards Act, as amended, and the standardization
activities related to grain under the Agricultural Marketing Act o
1946, as amended, including field employment pursuant to section
706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to excee
$50,000 for employment under 5 U.S.C. 3109, $23,122,000: *Provided,*
That this appropriation shall be available pursuant to law (7 U.S.C
2250) for the alteration and repair of buildings and improvements
but, unless otherwise provided, the cost of altering any one building
during the fiscal year shall not exceed 10 per centum of the curren
replacement value of the building: *Provided further,* That none of th
funds provided by this Act may be used to pay the salaries of an
person or persons who require non-export, non-terminal interio
elevators to maintain records not involving official inspection o
official weighing in the United States under Public Law 94-582 othe
than those necessary to fulfill the purposes of such Act.

7 USC 71 note.

Science and Education Administration

AGRICULTURAL RESEARCH

For necessary expenses to enable Agricultural Research to perfor
agricultural research and demonstration relating to productio
utilization, marketing, and distribution (not otherwise provided for
home economics or nutrition and consumer use, and for acquisition
lands by donation, exchange, or purchase at a nominal cost not
exceed $100, except that the foregoing limitation shall not apply
the acquisition of lands for the research laboratory at Weslaco, Texa
$370,573,000: *Provided,* That appropriations hereunder shall be avai
able for field employment pursuant to the second sentence of sectio
706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exce
$115,000 shall be available for employment under 5 U.S.C. 310
Provided further, That appropriations hereunder shall be availab
for the operation and maintenance of aircraft and the purchase of n
to exceed one for replacement only: *Provided further,* That of th
appropriations hereunder, not less than $10,526,600 shall be availab

7 USC 2254.

Construction costs.
7 USC 2254.

to conduct marketing research: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed $80,000, except for ten buildings to be constructed or improved at a cost not to exceed $150,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That the limitations on construction contained in this Act shall not apply to the establishment of a fruit and nut germ plasm repository at Davis, California, construction of a greenhouse/headhouse at Stillwater, Oklahoma, construction of a feedmill at El Reno, Oklahoma, and the construction of a greenhouse/headhouse at Fargo, North Dakota: *Provided further,* That the limitations on alterations contained in this Act shall not apply to a total of $100,000 for facilities at Beltsville, Maryland: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a).

Special fund.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, not more than $2,000,000 of the amount appropriated under the "Agricultural Research Service" heading for the previous fiscal year may be used by the director, Agricultural Research in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Agricultural Research".

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), $5,750,000: *Provided,* That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further,* That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed, and can be used most effectively to carry out the purposes of this paragraph: *Provided further,* That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

COOPERATIVE RESEARCH

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $118,566,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a–361i), and further amended by Public Law 92–318 approved June 23, 1972, and further amended by Public Law 93–471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of

20 USC 1001 note.
D.C. Code 31–1701 note.

7 USC 361f.
20 USC 1001 note.
7 USC 3222.
7 USC 3154.
92 Stat. 2529.
7 USC 178 note.
7 USC 3195.

1887, as amended; $10,000,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses; $17,785,000 for payments to the 1890 land-grant colleges, including Tuskegee Institute, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee Institute; $1,500,000 for Rural Development Research as authorized under the Rural Development Act of 1972, as amended (7 U.S.C. 2661-2668), including administrative expenses; $32,548,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i), of which $16,548,000 is for special research grants, and $16,000,000 is for competitive research grants, including administrative expenses; $500,000 for grants in accordance with section 1419 of Public Law 95-113; $650,000 for research authorized by the Native Latex Commercialization and Economic Development Act of 1978; $6,000,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113; including administrative expenses; and $1,496,000 for necessary expenses of Cooperative Research activities, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109; in all, $189,045,000.

EXTENSION ACTIVITIES

86 Stat. 350.
7 USC 1281 note.
7 USC 343.
D.C. Code 31-1719.
7 USC 2661-2670.
7 USC 3221.
7 USC 343.

Payments to States, Puerto Rico, Guam, and the Virgin Islands: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), section 506 of the Act of June 23, 1972, and the Act of September 29, 1977 (7 U.S.C. 341-349), to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, $189,331,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $51,810,000; payments for the urban gardening programs under section 3(d) of the Act, $3,000,000; payments for the pest management program under section 3(d) of the Act, $6,435,000; payments for the farm safety program under section 3(d) of the Act, $1,020,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $1,735,000; payments for the energy demonstration program under section 3(d) of the Act, $300,000; payments for extension work under section 209(c) of Public Law 93-471, $910,000; $2,500,000 for Rural Development Education as authorized under the Rural Development Act of 1972 (7 U.S.C. 2661-2668); payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee Institute under section 1444 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (Public Law 95-113), $10,453,000; and for carrying out the provisions of section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $11,500,000; in all, $278,994,000, of which not less than $78,600,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of

June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

86 Stat. 350.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-349), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $6,543,000, of which not less than $2,100,000 is for Home Economics.

D.C. Code 31-1719.
7 USC 1281 note.

TECHNICAL INFORMATION SYSTEMS

For necessary expenses of the Technical Information Systems, $7,835,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $100,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c) necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $245,631,000, of which $2,500,000 shall be available for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions and $2,544,000 may be for repayment to the Commodity Credit Corporation of advances (and interest thereon) made in accordance with authorities contained in the provisions of the appropriation items for the Animal and Plant Health Inspection Service in the Agriculture and Related Agencies Appropriation Act, 1978: *Provided*, That $1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $82,000, except for four buildings to be constructed or improved at a cost of not to exceed $160,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That $900,000 shall be available for plans, construction, and improvement of facilities at

91 Stat. 810.

Aircraft.

Mission, Texas, without regard to limitations contained herein: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100: *Provided further,* That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

Land acquisition.

Funds, transfer.

21 USC 129.

21 USC 114b.

Food Safety and Quality Service

For necessary expenses to carry on services related to consumer protection and agricultural marketing and distribution, $278,430,000: *Provided,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $77,000, except for two buildings to be constructed or improved at a cost not to exceed $150,000, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100.

Land acquisition.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $4,858,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

16 USC 742a note.

7 USC 601 note.

7 USC 1911 note.

Economics, Statistics, and Cooperatives Service

For necessary expenses of the Economics, Statistics, and Cooperatives Service to carry out the Act of July 2, 1926 (7 U.S.C. 451-457), and as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, in conducting: statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys; research relating to the economic and marketing aspects of farmer cooperatives; economic research and service relating to agricultural production, marketing, and distribution, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, cost and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive positition of United States farm products; $86,070,000, of which not less than $200,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said administrator, other agencies or before the Courts: *Provided,* That not less than $350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further,* That not less than $145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further,* That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $140,000 shall be available for employment under 5 U.S.C. 3109.

Study.

7 USC 411b.

WORLD FOOD AND AGRICULTURAL OUTLOOK AND SITUATION BOARD

For necessary expenses of the World Food and Agricultural Outlook and Situation Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $1,045,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109.

7 USC 1622.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 for employment under 5 U.S.C. 3109, $47,643,000; of which not less than $2,057,000 shall be available for the Wholesale Market Development Program: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed $7,500 or 7.5 per centum of the cost of the building, whichever is greater.

Building repair.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,600,000.

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(b), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590q); sections 1001 to 1008 and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1508 and 1510); the Water Bank Act (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); and laws pertaining to the Commodity Credit Corporation, $186,586,000: *Provided*, That, in addition, not to exceed $152,389,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $43,228,000 under the limitation on Commodity Credit Corporation administrative expenses for a total of $338,975,000): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

Funds, transfer.

16 USC 590h.

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, and to beekeepers who through no fault of their own have suffered losses as a result of the use of economic poisons which had been registered and approved for use by the Federal Government, $3,290,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

CORPORATIONS

Contracts. 15 USC 713a-10.

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided: 31 USC 849.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, $12,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed $16,500,000 of administrative and operating expenses may be paid from premium income.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $3,056,189,000.

LIMITATION ON ADMINISTRATIVE EXPENSES

15 USC 713a-10.

Not to exceed $50,700,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided*, That this authorization shall be available to support the Office of the General Sales Manager which shall work to expand and strengthen sales of U.S. commodities in world markets (including those of the Corporation) pursuant to existing authority (including that contained in the Corporation's charter), and that such funds shall be used by the General Sales Manager to carry out the above activities. The General Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality

Report.

Reports to congressional committees.

as sold and as delivered and shall submit quarterly reports to the appropriate committees of Congress concerning such developments: *Provided further*, That none of the funds in this Act may be used to carry out an Export Credit Sales program in excess of $2,200,000,000 in fiscal year 1980: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That none of the funds in the Act may be used to carry out a program of loan guarantees by the Corporation for production and marketing of industrial hydrocarbons and alcohols from agricultural commodities and forest products in excess of $500,000,000.

31 USC 665.

Land acquisition.
15 USC 713a-10.

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $24,000,000 shall be available from funds in the rural housing insurance fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $3,979,000,000, of which not less than $3,070,000,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary; and not to exceed $5,000,000 for advances as authorized by section 501(e) of such Act and not to exceed $5,000,000 for compensation of construction defects as authorized by section 509(c) of such Act: *Provided*, That unsubsidized interest guaranteed loans of not to exceed $500,000,000 shall be in addition to these amounts.

42 USC 1487.

42 USC 1471.

42 USC 1471.

42 USC 1479.

During fiscal year 1980, no more than 20,000 units may be assisted under rental assistance agreements entered into during the year pursuant to authority under section 521(a)(2) of the Housing Act of 1949, as amended, and the total obligation incurred over the life of these agreements shall not exceed $393,000,000 to be added to and merged with the authority provided for this purpose in prior fiscal years.

42 USC 1490a.

For an additional amount to reimburse the rural housing insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487e, and 1490a(c)), including $22,663,000 as authorized by section 521(c) of the Act, $320,209,000, and for an additional amount as authorized by section 521(c) of the Act as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount to reimburse the agricultural credit insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $272,809,000.

Loans.

Loans may be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929, or guaranteed, as follows: real estate loans, $949,600,000, including not less than $870,000,000 for farm ownership loans of which $50,000,000 shall be guaranteed loans; and not less than $60,500,000 for water development, use, and conservation loans of which $6,000,000 shall be guaranteed loans; operating loans, $875,000,000 of which $25,000,000 shall be guaranteed loans; and emergency insured and guaranteed loans in amounts necessary to meet the needs resulting from natural disasters.

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount to reimburse the rural development insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $91,874,000.

Loans.

7 USC 1929a, 1931–1933.

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661–664, as follows: insured water and sewer facility loans, $700,000,000; industrial development loans, $1,100,000,000 of which $10,000,000 shall be for insured loans and $1,090,000,000 shall be for guaranteed loans; and insured community facility loans, $250,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $300,000,000, to remain available until expended, pursuant to section 306(d) of the above Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

42 USC 1474.

For grants to the elderly pursuant to section 504 of the Housing Act of 1949, as amended, $24,000,000.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $25,000,000.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $5,000,000.

RURAL COMMUNITY FIRE PROTECTION GRANTS

92 Stat. 370.
16 USC 2106.

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (P.L. 95-313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipment for rural volunteer fire departments.

RURAL DEVELOPMENT PLANNING GRANTS

42 USC 1490e.

For rural development planning grants pursuant to section 306(a)(11) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), $7,000,000.

RURAL HOUSING SUPERVISORY ASSISTANCE GRANTS

For grants pursuant to section 525(a) of the Housing Act of 1949, as amended (42 U.S.C. 1490(e)), $1,500,000.

RURAL DEVELOPMENT GRANTS

For grants pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $10,000,000.

SALARIES AND EXPENSES

42 USC 1490i.
42 USC 2841.
86 Stat. 675.
7 USC 1929.
42 USC 1487.
42 USC 1472.

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490h); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title IIIA of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, $230,518,000, including $1,693,000 for the coordination of rural development activities as authorized by section 603 of the Rural Development Act of 1972, together with not more than $3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed $500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed $1,000,000 of this appropriation may be used for employment under 5 U.S.C. 3109.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $850,000,000, nor more than $1,000,000,000, and rural telephone loans, not less than $250,000,000, to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts. 7 USC 936.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $30,000,000, to remain available until expended (7 U.S.C. 901-950(b)). 7 USC 941-950b.

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. 31 USC 849.

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), including not to exceed $500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 for employment under 5 U.S.C. 3109, $26,045,000.

CONSERVATION

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant material centers; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, $264,747,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $5,000, except for one building to be constructed at a cost not to exceed $50,000 and eight buildings to be constructed or improved at a cost not to exceed $30,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $1,000 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily 16 USC 590e-1. 16 USC 590e-2.

employed at per diem rates to perform the technical planning work of the Service.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations, and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006-1009), $16,487,000: *Provided,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), $10,500,000: *Provided,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, $167,524,000 (of which $18,500,000 shall be available for the watersheds authorized under the Flood Control
33 USC 701a. Act, approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $10,000,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205) and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That $26,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Adminis-
7 USC 1929a. tration (86 Stat. 663): *Provided further,* That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the
16 USC 1531 note. Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), $32,000,000, of which $390,000 shall be for the authorization of 6 new areas: *Provided,* That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109. 7 USC 1929a.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $18,689,000, to remain available until expended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

RURAL CLEAN WATER PROGRAM

For necessary expenses for carrying out an experimental Rural Clean Water Program, $50,000,000, to remain available until expended and to be targeted at areas with identified and significant agricultural nonpoint source water pollution problems to be selected by the Secretary: *Provided,* That practices under the above program shall be recommended by the County Committees, approved by the State Committees and the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, or recommended by the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, and approved by the State Committees and the County Committees: *Provided further,* That such program shall be in addition to the regular Agricultural Conservation Program, and coordinated therewith, with the Soil Conservation Service and others providing technical assistance and the Agricultural Stabilization and Conservation Service providing administrative services for the program, including, but not limited to, the negotiation and administration of contracts and the disbursement of payments: *Provided further,* That such funds as may be required shall be transferred to the Soil Conservation Service, or others, for necessary technical assistance.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), (b), and 590q), and sections 1001-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $190,000,000 to remain available until expended for agreements, excluding administration but including technical assistance and related expenses, except that no participant in the Agricultural Conservation Program shall receive more than $3,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out enduring conservation and environmental enhancement measures and practices, as specified in section 1501 of Public Law 95-113 (16 USC 590h, 590*o*.) (including those practices or programs which are deemed essential to maintain soil productivity, prevent soil depletion, or prevent increased cost of production, thus assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy) as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, (53 Stat. 1147.) or who has been found in accordance with the provisions of title 18 U.S.C. 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $15,000,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), $10,000,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), $15,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended (42 U.S.C. 1751-1761, and 1766), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773-1785, and 1787); $3,114,301,000, of which $1,279,215,000 is hereby appropriated, $4,000,000 shall be derived from prior-year unobligated balances and $1,831,086,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), including $80,000,000 for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act, as amended: *Provided,* That of the foregoing total amount there shall be available $20,000,000 for the food service equipment assistance program: *Provided further,* That funds provided herein shall remain available until September 30, 1981, in accordance with section 3 of the National School Lunch Act, as amended: *Provided further,* That only claims for reimbursement for meals served during fiscal year 1980 submitted to State agencies prior to January 1, 1981, shall be eligible for reimbursement: *Provided further,* That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966, as amended, shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act, as amended, or the Child Nutrition Act of 1966, as amended (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966, as amended, and under section 13(k)(1) of the National School Lunch Act, as amended; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further,* That no part of the funds appropriated in this Act for the summer food service program shall be available for payments to service institutions other than to: (1) public service

42 USC 1772.

Funds, transfer.

42 USC 1755.

42 USC 1752.

42 USC 1776a.
42 USC 1776.

42 USC 1751 note.

42 USC 1776b.

42 USC 1766.

42 USC 1756.
42 USC 1761.

institutions, (2) private nonprofit service institutions including residential camps which use self-preparation facilities to prepare meals or obtain meals from a public facility, such as a school district, public hospital, or State university, (3) private nonprofit schools including colleges and universities, (4) private nonprofit migrant farmworker organizations including those that purchase meals from a food service management company, (5) private nonprofit service institutions which serve not more than 500 children daily at not more than three sites and which purchase meals from a food service management company, and (6) in areas where no service institutions delineated in items (1) through (5) are available to operate the program, private nonprofit service institutions which purchase meals from a food service management company, determined by the Secretary of Agriculture to have a record of reliable and honest community service in feeding programs.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the provisions of the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), $142,000,000, to remain available until September 30, 1981.

SPECIAL SUPPLEMENTAL FOOD PROGRAMS (WIC)

For necessary expenses to carry out the provisions of the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786), and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended (7 U.S.C. 612c (note)), $771,500,000, of which $757,700,000 is hereby appropriated and $13,800,000 is to be derived from prior-year balances, to remain available until September 30, 1981: *Provided,* That section 17(g) of the Child Nutrition Act of 1966, as amended, is hereby amended by striking out the numeral "800,000,000" and inserting in lieu thereof, "750,000,000".

42 USC 1786.

FOOD STAMP PROGRAM

For necessary expenses to carry out the provisions of the Food Stamp Act, $6,188,600,000: *Provided,* That funds provided herein shall remain available until September 30, 1980, in accordance with section 18(a) of the Food Stamp Act: *Provided further,* That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That no part of the funds appropriated by this Act shall be used during the fiscal year ending September 30, 1980, to make food stamps available to any household, to the extent that the amount otherwise available to such household is attributable to an individual who: (i) has reached his eighteenth birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act.

7 USC 2011 note.

7 USC 2027.

31 USC 665.

Availability to certain households, prohibition.

7 USC 2025.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out the provisions of section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended (7 U.S.C. 612c (note)), and section 311 of the Older Americans Act of 1965, $90,290,000.

42 USC 3030a.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the Domestic Food Programs funded under this Act, $82,000,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE IV—INTERNATIONAL PROGRAMS

Foreign Agricultural Service

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $55,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $56,427,000: *Provided*, That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

Office of International Cooperation and Development

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan and direct activities involving international development, technical assistance and training, international scientific and technical cooperation in the Department of Agriculture, $1,864,000, and the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the educational and cultural exchange programs of the Department of State (22 U.S.C. 2392).

Public Law 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1715, 1721-1726, 1727-1727f, 1731-1736f), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, not more than $901,730,000, of which $280,776,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales and carryover

7 USC 1701, 1727.

7 USC 1721.

balances; and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than $556,000,000, of which $438,700,000 is hereby appropriated and the balance to be derived from Commodity Credit Corporation funds and from carryover balances.

TITLE V—RELATED AGENCIES

Food and Drug Administration

SALARIES AND EXPENSES

5 USC 5332 note.

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000; $312,796,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $4,372,000.

Commodity Futures Trading Commission

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.) including the purchase and hire of passenger motor vehicles; the rental of space in the District of Columbia and elsewhere; and not to exceed $75,000 for employment under 5 U.S.C. 3109, $16,366,000 to be available as authorized by law: *Provided,* That not to exceed $1,000 shall be available for official reception and representation expenses.

Farm Credit Administration

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $11,897,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses including the hire of one passenger motor vehicle.

TITLE VI—GENERAL PROVISIONS

Passenger motor vehicles.

SEC. 601. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1980 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed six hundred sixty-eight (668) passenger motor vehicles of which five hundred eighty-one (581) shall be for replacement only, and for the hire of such vehicles.

Uniforms.

SEC. 602. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Contracts.
7 USC 1623a.

SEC. 603. Not less than $1,500,000 of the appropriations of the Department of Agriculture for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7

U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

Marihuana.

SEC. 604. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

Advance funds.

SEC. 605. Advances of money from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture to chiefs of field parties.

Working Capital Fund.

SEC. 606. Obligations chargeable against the Working Capital Fund during the period October 1, 1979, through September 30, 1980, shall not exceed $61,000,000: *Provided*, That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

7 USC 1691 note.

SEC. 607. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Scientific Activities Overseas (Special Foreign Currency Program); Public Law 480; Rural Housing for Domestic Farm Labor; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Agricultural Stabilization and Conservation Service Salaries and Expenses funds made available to county committees; and Buildings and Facilities, Food and Drug Administration.

Fiscal year limitation.

SEC. 608. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

90 Stat. 1500.

SEC. 609. Not to exceed $50,000 of the appropriations available to the Department of Agriculture shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

Part-time and intermittent assistance.

SEC. 610. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation County Committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized.

SEC. 611. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

Approved November 9, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-242 (Comm. on Appropriations) and No. 96-553 (Comm. of Conference).
SENATE REPORT No. 96-246 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- June 19, considered and passed House.
- July 18, 19, considered and passed Senate, amended.
- Oct. 26, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
- Oct. 31, Senate agreed to conference report and concurred in House amendments.

Public Law 96-109
96th Congress

An Act

Nov. 9, 1979
[H.R. 5218]

To amend the Foreign Assistance Act of 1961 to authorize special Caribbean hurricane relief assistance.

Caribbean hurricane relief assistance, authorization.
22 USC 2292 *et seq.*
22 USC 2292m.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:**

"SEC. 495G. SPECIAL CARIBBEAN HURRICANE RELIEF ASSISTANCE.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief and reconstruction in the Caribbean to assist in alleviating the human suffering caused by recent hurricanes in that region. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $25,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.".

22 USC 2292.

7 USC 1691 note.

SEC. 2. Priority shall be given to furnishing agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954 to countries in the Caribbean in order to assist in alleviating the human suffering caused by the recent hurricanes in that region.

Approved November 9, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-367 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 25, considered and passed House.
Oct. 30, considered and passed Senate.

Public Law 96-110
96th Congress

An Act

Nov. 13, 1979
[H.R. 4955]

To authorize additional appropriations for migration and refugee assistance for the fiscal years 1980 and 1981 and to authorize humanitarian assistance for the victims of the famine in Cambodia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Cambodian disaster relief assistance, authorization.

SUPPLEMENTAL MIGRATION AND REFUGEE ASSISTANCE AUTHORIZATION

SECTION 1. Section 102(a)(4) of the Department of State Authorization Act, Fiscal Years 1980 and 1981 (title I of Public Law 96-60), is amended by striking out "$248,951,000 for the fiscal year 1980, and $254,188,000 for the fiscal year 1981" and inserting in lieu thereof "$456,241,000 for the fiscal year 1980, and $457,798,000 for the fiscal year 1981".

Ante, p. 395.

CAMBODIAN DISASTER RELIEF ASSISTANCE

SEC. 2. Chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

22 USC 2292n.

"SEC. 495H. CAMBODIAN DISASTER RELIEF ASSISTANCE.—(a) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from famine and disease in Cambodia. Accordingly, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief to alleviate the suffering of the victims of famine and disease in Cambodia. Assistance provided under this section shall be for humanitarian purposes and limited to the civilian population, with emphasis on providing food, medicine and medical care, clothing, temporary shelter, transportation for emergency supplies and personnel, and similar assistance to save human lives.

"(b) Assistance provided under this section or any other provision of law to alleviate the human suffering caused by famine and disease in Cambodia shall be provided, to the maximum extent practicable, through international agencies and private voluntary organizations such as (among others) the World Relief Committee, World Medical Missions, Inc., Cama Services, World Vision, Food for the Hungry, Thailand Baptist Mission, Catholic Relief Services, Oxfam, and the International Rescue Committee.

"(c)(1) In providing assistance under this section, the President shall satisfy himself that adequate procedures have been established to ensure that such assistance reaches the innocent victims of famine and disease for whom it is intended. Such procedures shall include end use monitoring of deliveries on a periodic basis by individuals having freedom of movement where the assistance is being distributed within Cambodia.

Report to Congress.

"(2) Not later than 90 days after the enactment of this section, the President shall report to the Congress on compliance with this subsection.

"(d)(1) In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $30,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended.

"(2) Obligations incurred, prior to the enactment of appropriations to carry out this section, against other appropriations or accounts for the purpose of alleviating the human suffering caused by famine and disease in Cambodia may be charged to the appropriations authorized by paragraph (1) of this subsection.

22 USC 2360.

"(3) The President may exercise the authority of section 610(a) of this Act (without regard to the 20 percent limitation contained in that section on increases in accounts) in order to transfer, for use in carrying out this section, up to $30,000,000 of the funds made available for the fiscal year 1980 to carry out other provisions of this Act.

7 USC 1691 *et seq.*

"(4) Priority shall be given in allocating assistance under the Agricultural Trade Development and Assistance Act of 1954 to furnishing agricultural commodities for use in carrying out this section.

22 USC 2292.

"(e) Assistance under this section shall be provided in accordance with the policies and utilizing the general authorities provided in section 491.".

INDOCHINA MIGRATION AND REFUGEE ASSISTANCE PROGRAM

22 USC 2601 note.

SEC. 3. (a) Section 2(b) of the Indochina Migration and Refugee Assistance Act of 1975 is amended by striking out "1979" and inserting in lieu thereof "1981".

Effective date.

(b) The amendment made by subsection (a) shall be effective as of October 1, 1979.

REPORT ON COSTS OF REFUGEE ASSISTANCE PROGRAMS

SEC. 4. Not later than 60 days after the date of enactment of this Act, the President shall report to the Congress—

(1) the estimated total costs to the United States Government, during fiscal year 1980 and fiscal year 1981, of domestic and foreign assistance to refugees under all programs of the United States Government, and

(2) the estimated total costs to State and local governments during such fiscal years for assistance to refugees which is attributable to such programs.

Approved November 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-398 (Comm. on Foreign Affairs).
SENATE REPORT No. 96-370 accompanying S. 1668 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- Oct. 25, considered and passed House.
- Nov. 2, S. 1668 considered in Senate; by previous order of this date, H.R. 4955 considered and passed Senate, amended.
- Nov. 9, House agreed to Senate amendment with an amendment; Senate agreed to House amendment.

Public Law 96-111
96th Congress

An Act

Nov. 15, 1979
[S. 1281]

To revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel United States, steamship vessel Oceanic Independence, steamship vessel Santa Rosa, and the steamship vessels Mariposa and Monterey into the trade.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Steamship vessels, waiver of trade restrictions.

SECTION 1. Notwithstanding the provisions of section 506 of the Merchant Marine Act, 1936 (46 U.S.C. 1156), section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), and any other provision of law, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Oceanic Independence (official Coast Guard numbered 261147) and the vessel steamship Santa Rosa (official Coast Guard numbered 276598) to be documented as vessels of the United States entitled to engage in the coastwise trade, so long as—

(1) in the case of the Oceanic Independence—

(A) the vessel is in compliance with all other requirements for vessels engaging in the coastwise trade,

(B) any rebuilding of the vessel or repair work constituting a rebuilding, accomplished after enactment of this Act, shall be effected within the United States, its territories (not including trust territories), or its possessions, except that the vessel shall not lose its coastwise privileges by reason of having work necessary to install bow thrusters in the vessel and to equip it with a marine sewer sanitation system performed outside the United States, its territories (not including the trust territories) or its possessions before the vessel engages in the coastwise trade following enactment of this Act,

(C) the vessel is owned by a citizen or citizens of the United States as defined in the applicable laws prescribing the qualifications for vessels to engage in the coastwise trade, and

(D) for hire carriage in such trade is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any coastwise trade: *Provided*, That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful,

(2) in the case of the steamship Santa Rosa—

(A) prior to such documentation the owner of the steamship Santa Rosa repays to the Secretary of Commerce, upon such terms and conditions as the Secretary may prescribe, an amount which bears the same proportion to the total construction differential subsidy paid for such vessel as the remaining economic life of the vessel computed from the date of documentation bears to the total economic life of the vessel, and

(B) for hire carriage in such trade is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any coastwise trade: *Provided*, That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful.

46 USC 1160 note.

SEC. 2. Section 2 of Public Law 92-296 (86 Stat. 140), as amended by Public Law 94-536 (90 Stat. 2497), is further amended by inserting after the words "American flag" the following: "in the coastwise and/or foreign commerce of the United States and/or between foreign ports notwithstanding the provision of section 506 of the Merchant Marine Act, 1936: *Provided*, That for hire carriage in coastwise commerce of the United States is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any single coastwise trade: *Provided further*, That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful,".

46 USC 1156.

SEC. 3. Notwithstanding the provisions of section 506 of the Merchant Marine Act, 1936 (46 U.S.C. 1156), and any other provision of law or of prior contract with the United States, the steamship Mariposa and the steamship Monterey, may, subject to the approval of the Secretary of Commerce, be allowed to remain under the American flag and operate totally in both the coastwise and foreign commerce of the United States and/or between foreign ports: *Provided*, That for hire carriage in the domestic commerce of the United States is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any single coastwise trade: *Provided further*, That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful. In the event the operator should elect to transfer either or both vessels to foreign flag operation, nothing in this Act shall be construed as permitting these vessels in such circumstances to have any rights or ability whatsoever to operate in the United States coastwise trades.

Approved November 15, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-559 accompanying H.R. 5472 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-298 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
 Sept. 6, considered and passed Senate.
 Oct. 30, H.R. 5472 considered and passed House; passage vacated and S. 1281, amended, passed in lieu.
 Nov. 1, Senate agreed to House amendments.

Public Law 96-112
96th Congress

An Act

To authorize appropriations for the fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes.

Nov. 16, 1979
[S. 640]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1980".

Maritime Appropriation Authorization Act for Fiscal Year 1980.

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1980, as follows:

(1) For acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, not to exceed $101,000,000; except that—

(A) no funds authorized by this paragraph may be paid to subsidize the construction of any vessel which will not be offered for enrollment in a Sealift Readiness program approved by the Secretary of Defense; and

(B) in paying the funds authorized by this paragraph, the construction subsidy rate otherwise applicable may be reduced by 5 percent unless the Secretary of Commerce, in his discretion, determines that the vessel to be constructed is part of an existing or future vessels series.

(2) For payment of obligations incurred for operating-differential subsidy, not to exceed $256,208,000; except that—

(A) no funds authorized by this paragraph may be paid for the operation of any vessel which is not offered for participation in a Sealift Readiness program approved by the Secretary of Defense; and

(B) an operator receiving funds under this paragraph may elect, for all or a portion of its ships, to suspend its operating differential subsidy contract with all attendant statutory and contractual restrictions, except as to those pertaining to the domestic intercoastal or coastwise service, including any agreement providing for the replacement of vessels, if—

(i) the vessel is less than ten years of age,

(ii) the suspension period is not less than twelve months,

(iii) the operator's financial condition is maintained at a level acceptable to the Secretary of Commerce, and

(iv) the owner agrees to pay to the Secretary, upon such terms and conditions as he may prescribe, an amount which bears the same proportion to the construction-differential subsidy paid by the Secretary as the portion of the suspension period during which the vessel is operated in any preference trade from which a subsidized vessel would otherwise be excluded by law or contract bears to the entire economic life of the vessel.

Any operator making an election under subparagraph (B) is entitled to full reinstatement of the suspended contract on request until October 1, 1984. The Secretary of Commerce may prescribe rules and regulations consistent with the purpose of subparagraph (B).

(3) For expenses necessary for research and development activities, not to exceed $16,360,000.

(4) For maritime education and training expenses, not to exceed $31,372,000; including not to exceed $17,132,000 for maritime training at the Merchant Marine Academy at Kings Point, New York; $10,285,000 for financial assistance to State marine schools; $1,998,000 for fuel oil for State marine school training vessels; and $1,957,000 for supplementary training courses authorized under section 216(c) of the Merchant Marine Act, 1936.

46 USC 1126.

(5) For operating expenses, not to exceed $35,598,000; including not to exceed $6,377,000 for reserve fleet expenses; and $29,221,000 for other operating expenses.

SEC. 3. There are authorized to be appropriated for the fiscal year 1980, in addition to the amounts authorized by section 2 of this Act, such additional supplemental amounts for the activities for which appropriations are authorized under section 2 of this Act, as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs for public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, New York.

Merchant Marine Act, amendment.

SEC. 4. Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) is amended by striking out the period at the end thereof and inserting the following new proviso: ": *Provided further,* That until April 1, 1984, and notwithstanding any other provisions of this section, any vessel documented under the laws of the United States and owned by persons who are citizens of the United States may, when operated upon a voyage in foreign trade, transport merchandise in cargo vans, lift vans, and shipping-tanks between points embraced within the coastwise laws for transfer to or when transferred from another vessel or vessels, so documented and owned, of the same operator when the merchandise movement has either a foreign origin or a foreign destination; but this proviso (1) shall apply only to vessels which that same operator owned, chartered or contracted for the construction of prior to the date of the enactment of this proviso, and (2) shall not apply to movements between points in the contiguous United States and points in Hawaii, Alaska, the Commonwealth of Puerto Rico and United States territories and possessions.".

Merchant Marine Act, amendment.

SEC. 5. Subsection D(a)(5) of section 30 of the Merchant Marine Act, 1920 (46 U.S.C. 922(a)(5)) is amended to read as follows:

"(5) The mortgagee is a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or is a citizen of the United States, and for the purposes of this Act the Reconstruction Finance Corporation shall, in addition to those designated in sections 37 and 38 of this Act, be deemed a citizen of the United States."

46 USC 888, 802, 803.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-169 accompanying H.R. 2462 (Comm. on Merchant Marine and Fisheries) and No. 96-556 (Comm. of Conference).

SENATE REPORT No. 96-105 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 24, considered and passed Senate.

July 20, 27, H.R. 2462 considered and passed House; passage vacated and S. 640, amended, passed in lieu.

Nov. 2, House agreed to conference report.

Nov. 5, Senate agreed to conference report.

Public Law 96-113
96th Congress

An Act

Nov. 16, 1979
[H.R. 998]

To amend the Agricultural Adjustment Act of 1938, as amended, to exempt State prison farms from paying of marketing quota penalties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 372(d) of the Agricultural Adjustment Act of 1938, as amended, is further amended to add a new sentence as follows: "Effective with the 1978 crops, no penalty shall be collected under this Act with respect to the marketing of any agricultural commodity grown on State prison farms for consumption within such State prison system.". 7 USC 1372.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-393 (Comm. on Agriculture).
SENATE REPORT No. 96-380 accompanying S. 312 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 17, considered and passed House.
Nov. 1, considered and passed Senate.

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Public Law 96-114
96th Congress

An Act

To establish a Congressional Award Board to administer a Congressional Award Program designed to encourage initiative and achievement among youths.

Nov. 16, 1979
[H.R. 2196]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Congressional Award Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Congressional Award Act". 2 USC 801 note.

ESTABLISHMENT OF THE CONGRESSIONAL AWARD BOARD

SEC. 2. There is established a board to be known as the Congressional Award Board (hereinafter in this Act referred to as the "Board"), which shall be responsible for administering the Congressional Award Program described under section 3 of this Act. The Board shall not be an agency or instrumentality of the United States, and the United States is not liable for any obligation or liability incurred by the Board. 2 USC 801.

CONGRESSIONAL AWARD PROGRAM

SEC. 3. (a) The Board shall establish and administer a program to be known as the Congressional Award Program, which shall be designed to promote initiative, achievement, and excellence among youths in the areas of public service, personal development, and physical and expedition fitness. Under the program gold, silver, and bronze medals shall be awarded to young people within the United States, aged fourteen through twenty-three (subject to such exceptions as the Board may prescribe), who have satisfied the standards of achievement established by the Board under subsection (b) of this section. The medals shall be of such design and materials as the Board may determine. 2 USC 802.

(b) In carrying out the Congressional Award Program, the Board shall—

(1) establish the standards of achievement required for young people to qualify as recipients of the medals and establish such procedures as may be required to verify that individuals satisfy such qualifications;

(2) designate the recipients of the medals in accordance with the standards established under paragraph (1) of this subsection;

(3) delineate such roles as the Board considers to be appropriate for the Director and Regional Directors in administering the Congressional Award, and set forth in the bylaws of the Board the duties, salaries, and benefits of the Director and Regional Directors;

(4) raise funds for the operation of the program; and

(5) take such other actions as may be appropriate for the administration of the Congressional Award Program.

(c) The Board shall arrange for the presentation of the awards to the recipients and shall provide for participation by Members of

Congress in such presentation, when appropriate. To the extent possible, recipients shall be provided with opportunities to exchange information and views with Members of Congress during the presentation of the awards.

Scholarships.

(d) The Board may award scholarships in such amounts as the Board determines to be appropriate to any recipient of the Congressional Award Gold Medal.

Report to Congress.

(e) The Board shall prepare and submit an annual report to the Congress before March 1 of each year summarizing the activities of the Congressional Award Program during the previous year and making appropriate recommendations. Any minority views and recommendations of members of the Board shall be included in such reports. The annual report shall contain the following items:

(1) Specific information regarding the methods used to raise funds for the Congressional Award Program and a list of the sources of all money raised by the Board.

(2) Detailed information regarding the expenditures made by the Board, including the percentage of funds which are used for administrative expenses.

(3) A description of the programs formulated by the Director under section 5(b)(1), including an explanation of the operation of such programs and a list of their sponsors.

(4) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

(5) A list of individuals given awards under the program, and their place of residence.

(6) Such other information as the Board may consider significant.

MEMBERSHIP OF THE BOARD

2 USC 803.

SEC. 4. (a)(1) The Board shall consist of seventeen members, as follows:

(A) Four members appointed by the majority leader of the Senate.

(B) Four members appointed by the minority leader of the Senate.

(C) Four members appointed by the Speaker of the House of Representatives.

(D) Four members appointed by the minority leader of the House of Representatives.

(E) The Director of the Board, who shall serve as a nonvoting member.

(2) In making appointments to the Board, the congressional leadership shall consider recommendations submitted by any interested party, including any member of the Board or the Committee for the Establishment and Promotion of the Congressional Award.

(3) Individuals appointed to the Board shall have an interest in one or more of the fields of concern of the Congressional Award Program.

(b) Appointed members of the Board shall serve for terms of six years, except that of the members first appointed—

(1) five shall serve for terms of two years;

(2) five shall serve for terms of four years; and

(3) six shall serve for terms of six years;

as determined by lot when all such members have been appointed.

(c)(1) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(3) Any appointed member of the Board may continue to serve after the expiration of his term until his successor has taken office.

(4) Vacancies in the membership of the Board shall not affect its power to function if there remain sufficient members to constitute a quorum under subsection (d) of this section.

(d) A majority of the members of the Board shall constitute a quorum.

(e) Members of the Board shall serve without pay but may be compensated for reasonable travel expenses incurred by them in the performance of their duties as members of the Board.

(f) The Board shall meet annually at the call of the Chairman and at such other times as the Chairman may determine to be appropriate. The Chairman shall call a meeting of the Board whenever one-third of the members of the Board submit written requests for such a meeting.

(g) The Chairman and the Vice Chairman of the Board shall be elected from among the members of the Board by a majority vote of the Board for such terms as the Board determines. The Vice Chairman shall perform the duties of the Chairman in his absence.

(h)(1) The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this Act. Members of such committees may include the members of the Board or such other qualified individuals as the Board may select.

(2) Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

(i) The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out its functions under this Act.

NATIONAL DIRECTOR

2 USC 804.

SEC. 5. (a) In the administration of the Congressional Award Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board, and shall serve for such term as the Board may determine. The Director may be removed by a majority vote of the Board.

(b) The Director shall, in consultation with the Board—

(1) formulate programs to carry out the policies of the Congressional Award Program;

(2) establish such divisions within the Congressional Award Program as may be appropriate; and

(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Award Program, subject to such policies as the Board shall prescribe under its bylaws.

REGIONAL AWARD DIRECTORS

2 USC 805.

SEC. 6. Regional award directors may be appointed by the Board, upon recommendation of the Director, for any State or other appropriate geographic area of the United States. The Director shall make such recommendations with respect to a State or geographic area only after soliciting recommendations regarding such appointments from public and private youth organizations within such State or geographic area.

POWERS AND RESTRICTIONS

2 USC 806. SEC. 7. (a) Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Award Program, except that—

(1) the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from sources other than the Federal Government; and

(2) the Board shall not take any actions which would disqualify the Board from treatment (for tax purposes) as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954. 26 USC 501.

Contracts. (b) The Board may enter into and perform such contracts as may be appropriate to carry out its business, but the Board may not enter into any contract which would obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

Funds. (c) The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out its activities. The Board may not accept any funds or other resources which are—

(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Award Program; or

(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

(d) The Board may accept and utilize the services of voluntary, uncompensated personnel.

(e) The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

(f) The Board shall have no power—

(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

(2) to issue any share of stock or to declare or pay any dividends; or

(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

(g)(1) The Board shall provide for the establishment of a private nonprofit corporation for the sole purpose of assisting the Board to carry out the Congressional Award Program, and shall delegate to the corporation such duties as it considers appropriate.

(2) The articles of incorporation of the corporation established under this subsection shall provide that—

(A) the members of the Board of Directors of the corporation shall be the members of the Board, and the Director of the corporation shall be the Director of the Board; and

(B) the extent of the authority of the corporation shall be the same as that of the Board.

(3) No director, officer, or employee of any corporation established under this subsection may receive compensation, travel expenses, or benefits from both the corporation and the Board.

AUDITS

2 USC 807.

SEC. 8. The financial records of the Board and of any corporation established under section 7(g) may be audited by the Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board or such corporation (or any agent of the Board or such corporation) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Award Program.

TERMINATION OF BOARD

2 USC 808.

SEC. 9. The Board shall terminate six years after the date of the enactment of this Act. Upon termination of the Board, the Board shall take such actions as may be required to provide for the dissolution of any corporation established by the Board under section 7(g). The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-518 (Comm. on Education and Labor).
SENATE REPORT No. 96-245 accompanying S. 221 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 29, considered and passed House.
Nov. 1, considered and passed Senate.

Public Law 96-115
96th Congress

Joint Resolution

Nov. 16, 1979
[H.J. Res. 68]

To authorize the President to issue a proclamation designating the week beginning on November 18, 1979, as "National Family Week".

Whereas the family is the basic strength of any free and orderly society; and

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

National Family Week.
Designation authorization.

***Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized and requested to issue a proclamation designating the week beginning on November 18, 1979, as "National Family Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such day with appropriate ceremonies and activities.**

Approved November 16, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 8, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 96-116
96th Congress

An Act

To provide for the distribution within the United States of the International Communication Agency film entitled "Reflections: George Meany".

Nov. 16, 1979
[H.R. 5279]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "Reflections: George Meany", and the Administrator shall make copies of such film available for purchase and public viewing within the United States.

George Meany film, U.S. distribution.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-392 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 24, considered and passed House.
Nov. 6, considered and passed Senate.

Public Law 96-117
96th Congress

Joint Resolution

Nov. 16, 1979
[H.J. Res. 199]

To amend the Act of October 21, 1978 (92 Stat. 1675; Public Law 95-498).

Indians.
Pueblo of Santa Ana, N. Mex.
Lands in trust, amendment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 21, 1978 (92 Stat. 1675; Public Law 95-498) is hereby amended by inserting in section 1(b)(2), before the phrase "Section 5:", the heading "Township 13 North, Range 4 East".

Approved November 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-72 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-396 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
 Apr. 2, considered and passed House.
 Nov. 7, considered and passed Senate.

Public Law 96-118
96th Congress

An Act

Nov. 16, 1979
[S. 838]

To authorize appropriations for fiscal years 1980, 1981, and 1982 to carry out cooperative programs with the States for the conservation of anadromous fish, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of the first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)) is amended by striking out the second sentence thereof.

Anadromous fish conservation, appropriation authorization.

Sec. 2. Section 2 of the Anadromous Fish Conservation Act (16 U.S.C. 757b) is amended by striking out "United States" in the last sentence and inserting in lieu thereof "cooperating States or other non-Federal interests".

Sec. 3. (a) Subsection (a) of section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) is amended by striking out the first two sentences and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

"(1) $11,000,000 for fiscal year 1980.
"(2) $13,000,000 for fiscal year 1981.
"(3) $15,000,000 for fiscal year 1982.".

(b) Subsection (b) of such section 4 is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,250,000".

Sec. 4. The Anadromous Fish Conservation Act is amended by redesignating section 7 as section 8 and by inserting after section 6 the following new section:

16 USC 757a note.

"Sec. 7. (a) The Secretary shall cooperate with States and other non-Federal interests in conducting studies of—

16 USC 757g.

"(1) the size and distribution of the population of striped bass (Morone saxatilis), including, but not limited to, studies to determine the amount and geographical location of annual spawning; and

"(2) the factors responsible for the decline in the number of striped bass that are available to the public for recreational and commercial use, including, but not limited to—

"(A) analyses of the extent and causes of mortality at successive stages in the life cycle of striped bass,

"(B) a determination of the effects of pollution on the viability and condition of eggs and larval fish, and

"(C) a survey of the economic importance of recreational and commercial striped bass fisheries.

"(b) The Secretary shall make annual reports to the Congress concerning the progress and findings of the studies conducted pursuant to subsection (a) of this section. Such reports shall, where appropriate, contain recommendations of actions which could be taken to improve the population of striped bass.

Report to Congress.

"(c) For purposes of conducting the studies required by this section, the Secretary may enter into agreements with States and other non-Federal interests in accordance with the provisions of the first section of this Act or he may carry out such studies directly, as he deems appropriate: *Provided,* That any agreement entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(d) There are authorized to be appropriated for the purposes of carrying out the studies described in subsection (a) of this section not to exceed $1,000,000 for the fiscal year ending September 30, 1980, not to exceed $1,750,000 for the fiscal year ending September 30, 1981, and not to exceed $2,000,000 for the fiscal year ending September 30, 1982. Funds authorized to be appropriated by this subsection are in addition to any funds authorized by section 4 which may be used for projects involving or affecting striped bass. If the Secretary considers that the studies described in subsection (a) should be continued after September 30, 1982, the Secretary shall inform the Congress in writing before February 15, 1981, of the reasons why and for how long such continuation is believed to be warranted.".

Ante, p. 407.

SEC. 5. Section 201(e)(2)(D)(i) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(e)(2)(D)(i)) is amended by striking out "harvested" and inserting in lieu thereof "unharvested".

Fishery research laboratory, State of Washington.

SEC. 6. There are authorized to be appropriated to the Department of the Interior such sums as may be necessary, but not to exceed $800,000, for purposes of preparing a plan for a fishery research laboratory on lands owned by the University of Washington on Big Beef Creek, Washington. For purposes of preparing such a plan, there shall be available to the Department of the Interior any sums previously appropriated for the National Fishery Research Center in the State of Washington and available for expenditure on the date of the enactment of this Act, and such sums shall be treated as having been authorized for appropriation under the preceding sentence. The Secretary of the Interior shall complete and submit such plan as soon as practicable to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate and such plan shall include, but not be limited to, information regarding site adequacy, laboratory conceptual design, recommended agreements that should be entered into regarding Federal agency use of such laboratory as a condition for Federal sharing in its costs, and estimates of the costs involved.

Plan, submittal to congressional committees.

"National Aquarium in Baltimore."

SEC. 7. The aquarium to be built by the City of Baltimore, Maryland, on the site on Pratt Street, Pier 3, of the Baltimore Inner Harbor, shall, on and after the date of the completion of its construction, be known and designated as the "National Aquarium in Baltimore". Any reference in any law, map, regulation, document, record, or other paper of the United States to that aquarium shall be held to be a reference to the National Aquarium in Baltimore.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-173 accompanying H.R. 2035 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-174 (Comm. on Commerce, Science, and Transportation and Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 13, considered and passed Senate.
June 18, Passage vitiated, bill reconsidered, amended, and again passed Senate.
June 25, H.R. 2035 considered and passed House, passage vacated and S.838, amended, passed in lieu.
Nov. 1, Senate concurred in House amendments with an amendment.
Nov. 2, House concurred in Senate amendment.

Public Law 96-119
96th Congress

Joint Resolution

Designating December 1979 as "National Child Abuse Prevention Month".

Nov. 16, 1979
[H.J. Res. 428]

Whereas each year in the United States one million children are victims of child abuse and neglect, including three thousand who die;

Whereas the Child Abuse Prevention and Treatment Act of 1974 has yet to fulfill its mandate of being the cornerstone of a United States policy for child abuse prevention and treatment;

42 USC 5101 note.

Whereas a dedicated core of organizations and individuals (including the National Alliance for the Prevention of Child Abuse; the New York Foundling Hospital and its director, Doctor Vincent Fontana; Children's Village; and the National Center for the Prevention of Child Abuse and its director, C. Henry Kempe, doctor of medicine) are leaders in the effort to focus greater attention on and resources into the movement to combat child abuse and neglect; and

Whereas the month of December 1979 is the final month in the observance of the International Year of the Child: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 1979 is designated as "National Child Abuse Prevention Month" and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

National Child Abuse Prevention Month. Designation.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 26, considered and passed House.
Nov. 7, considered and passed Senate.

Public Law 96-120
96th Congress

An Act

Nov. 16, 1979
[S. 1728]

To designate the United States Federal Courthouse Building located at 655 East Durango, San Antonio, Texas, as the "John H. Wood, Jr., Federal Courthouse".

John H. Wood, Jr., Federal Courthouse, designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Federal Courthouse Building located at 655 East Durango, San Antonio, Texas, shall hereafter be called and designated as the "John H. Wood, Jr., Federal Courthouse". Any reference in law, map, regulation, document, record, or other paper of the United States to such building shall be held to be reference to the John H. Wood, Jr., Federal Courthouse.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-432 accompanying H.R. 4619 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-359 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 12, considered and passed Senate.
Oct. 15, H.R. 4619 considered and passed House; passage vacated and S. 1728, amended, passed in lieu.
Nov. 1, Senate disagreed to House amendments.
Nov. 9, House receded from its amendments.

Public Law 96-121
96th Congress

An Act

To authorize appropriations for the Federal Fire Prevention and Control Act of 1974, and for other purposes.

Nov. 16, 1979
[S. 1160]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Fire Prevention and Control Act of 1974, amendment.

SECTION 1. Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 17. (a) There are authorized to be appropriated to carry out the foregoing provisions of this Act, except as otherwise specifically provided, with respect to the payment of claims, under section 11 of this Act, an amount not to exceed $25,210,000 for the fiscal year ending September 30, 1980, which amount includes—

15 USC 2210.

"(1) $4,781,000 for programs which are recommended in the report submitted to the Congress by the Administrator pursuant to section 24(b)(1);

92 Stat. 932.
15 USC 2220.

"(2) $9,430,000 for the National Academy for Fire Prevention and Control;

"(3) $307,000 for adjustments required by law in salaries, pay, retirement, and employee benefits;

"(4) $500,000 for additional rural firefighting technical assistance and information activities;

"(5) $500,000 for the study required by section 26 of this Act; and

Post, p. 864.

"(6) $110,000 for the study required by section 27 of this Act.

Post, p. 865.

"(b) There are authorized to be appropriated for the additional administrative expenses of the Federal Emergency Management Agency, which are related to this Act and which result from Reorganization Plan Numbered 3 of 1978 (submitted June 19, 1978) and related Executive orders, an amount not to exceed $600,000 for the fiscal year ending September 30, 1980.".

92 Stat. 3790.
3 CFR 1978
Comp., p. 329.

SEC. 2. Section 21(b)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(b)(4)) is amended by striking out: "$100 a day" and inserting in lieu thereof "the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332(a))".

SEC. 3. Section 16(b) of the Act entitled "An Act to establish the National Bureau of Standards", approved March 3, 1901 (15 U.S.C. 278f(b)), is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, there are authorized to be appropriated an amount not to exceed $5,650,000 for the fiscal year ending September 30, 1980, which amount includes—

"(1) $525,000 for programs which are recommended in the report submitted to the Congress by the Administrator of the United States Fire Administration pursuant to section 24(b)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2220(b)(1)); and

"(2) $119,000 for adjustments required by law in salaries, pay, retirement, and employee benefits.".

SEC. 4. The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is further amended by adding at the end thereof the following new section:

Study, report to Congress and President.
15 USC 2222.

"SEC. 26. (a) The Administrator shall, within ten months of the date of enactment of this section, complete a study of the effectiveness of smoke detectors, heat detectors, and sprinkler suppression systems in saving lives, preventing injuries, and limiting property damage in fires, which report shall be submitted to the Congress and the President. In conducting such study, the Administrator shall consider, among other factors—

"(1) whether and the extent to which such devices and systems have been and are effective in reducing the severity of fires, including estimates with respect to the potential for savings in lives, and injury prevention attributable to the operation of such systems and devices;

"(2) the experience of Federal organizations, States, localities, and other political subdivisions which have required the use of such systems and devices; and

"(3) a description of Administration programs regarding smoke detectors, heat detectors, sprinkler suppression systems and other systems, together with an analysis of the utilization of these systems and devices as a result of these programs.

"(b) If the Administrator determines, as a result of the study conducted pursuant to subsection (a) of this section, that smoke detectors, heat detectors, sprinkler suppression systems or other similar systems or devices either have been or may be of assistance in the detection and control of fire, the Administrator shall include, as part of the report conducted pursuant to this section, recommendations regarding what should be the Federal role, if any, with respect to creating incentives for the use of such devices or systems by the public, by business concerns, and by Federal, State, and local governments. In making such recommendations, the Administrator shall consider—

"(1) the incentives, including financial incentives, which might be developed to require or facilitate installation within new or existing buildings of smoke detectors, heat detectors, sprinkler suppression systems, or any combination of such systems, or other similar systems and devices; and

"(2) the benefits, if any, of demonstration or other such programs directed at residents in high impact fire areas in order to increase the use of smoke detectors, heat detectors, sprinkler suppression systems, or other systems or devices.

Legislative proposals.

"(c) As part of its report submitted pursuant to this section, the Administrator shall provide specific legislative proposals to the Congress for implementing any recommendations made pursuant to this section.

"(d) Upon request of the Administrator, each Federal department and agency shall furnish to the Administrator such information, data, estimates, and statistics, and allow the Administrator access to all information in its possession, as the Administrator may reasonably determine to be necessary for the conduct of the study required by this section.".

Sec. 5. The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is further amended by adding at the end thereof the following new section:

"FIREFIGHTER SAFETY STUDY

"**Sec. 27.** (a) The Administrator shall conduct a review of firefighter safety. Such review shall include, but need not be limited to— 15 USC 2223.

"(1) an analysis of the current situation with respect to the safety of firefighters;

"(2) an analysis of the effectiveness of protective garments, firefighting breathing equipment, personal communications systems, and other protective subsystems, together with recommendations for improving such equipment in order to further firefighting safety;

"(3) development of a plan for increased technology transfer to firefighting units of more effective technologies in the areas identified in paragraph (2) of this subsection.

"(b) The Administrator shall submit to Congress the results of such review, together with appropriate recommendations for legislation, not later than March 31, 1980.". Submittal to Congress.

Approved November 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-176 accompanying H.R. 4016 (Comm. on Science and Technology).

SENATE REPORT No. 96-186 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 23, considered and passed Senate.

June 4, H.R. 4016 considered and passed House; passage vacated and S. 1160 passed in lieu; that passage was vacated, the bill was amended, and then passed in lieu of H.R. 4016.

Oct. 31, Senate concurred in House amendment with an amendment.

Nov. 8, House concurred in Senate amendment.

Public Law 96-122
96th Congress

An Act

Nov. 17, 1979
[S. 1037]

To establish an actuarially sound basis for financing retirement benefits for police officers, fire fighters, teachers, and judges of the District of Columbia and to make certain changes in such benefits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Retirement Reform Act.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, with the following table of contents, may be cited as the "District of Columbia Retirement Reform Act".

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TITLE I—FINANCING OF RETIREMENT BENEFITS

PART A—FINDINGS AND PURPOSE; DEFINITIONS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that the retirement benefits authorized by various Acts of Congress for the police officers, fire fighters, teachers, and judges of the District of Columbia have not been financed on an actuarially sound basis. Neither Federal payments to the District nor District of Columbia appropriations have taken into account the long-term financial requirements of the District's retirement programs. As a result, the annual budget cost to the District of Columbia for annuities and refunds of deductions is growing at a rapid rate and, in the case of the retirement program for police officers and fire fighters, is predicted to exceed the cost of salaries for active police officers and fire fighters by the year 2000.

(b) It is the purpose of this title—

(1) to establish separate retirement Funds for police officers and fire fighters, for teachers, and for judges of the District of Columbia;

(2) to establish a Retirement Board with responsibility for managing these Funds;

(3) to require that these Funds be managed on an actuarially sound basis in order to provide proper financing for the benefits

to which the District's retired police officers, fire fighters, teachers, and judges are entitled;

(4) to require that the Retirement Board comply with reporting and disclosure requirements similar to those imposed under the Employee Retirement Income Security Act of 1974; and

29 USC 1001 note.

(5) to provide for Federal payments to these Funds to help finance, in part, the liabilities for retirement benefits incurred by the District of Columbia prior to the establishment of self-government under the District of Columbia Self-Government and Governmental Reorganization Act.

D.C. Code 1-121 note.

DEFINITIONS

SEC. 102. As used in this title:

(1) The term "Mayor" means the Mayor of the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia.

(3) The term "Speaker" means the Speaker of the House of Representatives.

(4) The term "President pro tempore" means the President pro tempore of the Senate.

(5) The term "Board" means the District of Columbia Retirement Board established by section 121 of this Act.

(6) The term "Custodian of Retirement Funds" means the Board, except that until such time as the members of the Board are first elected and the Board certifies pursuant to section 121(h) that it is assuming responsibility for the Funds established by this title, the term "Custodian of Retirement Funds" means the Director of the Office of Budget and Financial Management of the District of Columbia (established by Organization Order Numbered 30, Commissioner's Order Numbered 72-80, April 5, 1972 (D.C. Code, title 1—Appendix)).

(7) The term "retirement program" means—

(A) the program of annuities and other retirement and disability benefits for members and officers of the Metropolitan Police force and the Fire Department of the District of Columbia, but does not include the program of annuities and other retirement and disability benefits for members and officers of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division under the Policemen and Firemen's Retirement and Disability Act;

D.C. Code 4-521 note.

(B) the program of annuities and other retirement and disability benefits for judges of the courts of the District of Columbia under subchapter III of chapter 15 of title 11 of the District of Columbia Code; or

D.C. Code 11-1561.

(C) the program of annuities and other retirement and disability benefits for teachers in the public day schools of the District of Columbia.

(8) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, and the Canal Zone.

(9) The term "party in interest" means—

(A) any person (including a member of the Board) having fiduciary responsibilities under this title;

(B) any person providing services to a Fund;

(C) the government of the District of Columbia;

(D) an employee organization; and

(E) a spouse, ancestor, lineal descendant, or spouse of a lineal descendant of any individual described in subparagraph (A) or (B).

(10) The term "Fund" means the District of Columbia Police Officers and Fire Fighters' Retirement Fund established by section 122, the District of Columbia Teachers' Retirement Fund established by section 123, or the District of Columbia Judges' Retirement Fund established by section 124.

(11) The term "current value" means fair market value where available (as determined in good faith by a fiduciary in accordance with regulations promulgated by the Board) or otherwise the fair value (as determined in good faith by a fiduciary in accordance with regulations promulgated by the Board), assuming an orderly liquidation at the time of such determination.

(12) The term "future value" means a liability for a given prior fiscal year expressed in terms of the price level expected to prevail in a given future fiscal year, adjusted at the rate of inflation used with regard to determinations made under section 142(a)(1).

(13) The term "qualified public accountant" means a person who is a certified public accountant, certified by a regulatory authority of a State.

(14) The term "enrolled actuary" means an actuary enrolled under subtitle C of title III of the Employee Retirement Income Security Act of 1974. 29 USC 1241.

(15) The term "security" means a security as defined in section 2(1) of the Securities Act of 1933. 29 USC 77b.

(16) The term "employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or plan, in which individuals covered by a retirement program participate and which exists for the purpose, in whole or in part, of dealing with the government of the District of Columbia concerning such retirement program.

(17) The term "teacher" means a teacher as defined in section 13 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-733).

(18) The term "judge" means a judge as defined in section 11-1561(1) of title 11 of the District of Columbia Code.

(19) The term "participant" does not include an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division to whom the Policemen and Firemen's Retirement and Disability Act applies; and, unless the context requires otherwise, the term "beneficiary" does not include a beneficiary under such Act of any such officer or member.

PART B—ESTABLISHMENT OF RETIREMENT BOARD AND RETIREMENT FUNDS

DISTRICT OF COLUMBIA RETIREMENT BOARD

SEC. 121. (a) There is established, as an independent agency of the government of the District of Columbia, a board of trustees to be known as the District of Columbia Retirement Board which shall have exclusive authority and discretion (subject to the requirements of this title) to manage and control the Funds established by this title.

Membership.

(b)(1) The Board shall consist of eleven members selected as follows:

(A) One member or officer of the Metropolitan Police force of the District of Columbia, to be elected by the members and officers of the Metropolitan Police force.

(B) One retired member or officer of the Metropolitan Police force of the District of Columbia, to be elected by the retired members and officers of the Metropolitan Police force.

(C) One member or officer of the Fire Department of the District of Columbia, to be elected by the members and officers of the Fire Department.

(D) One retired member or officer of the Fire Department of the District of Columbia, to be elected by the retired members and officers of the Fire Department.

(E) One teacher in the public day schools of the District of Columbia, to be elected by the teachers of the public day schools of the District of Columbia.

(F) One teacher in the public day schools of the District of Columbia who is retired, to be elected by the retired teachers of the public day schools of the District of Columbia.

(G) Two individuals appointed by the Council of the District of Columbia.

(H) Three individuals appointed by the Mayor.

A vacancy on the Board shall be filled in the manner in which the original selection was made.

(2) The first election of the Board members described in subparagraphs (A) through (F) of paragraph (1) shall be conducted within six months after the date of the enactment of this title in accordance with regulations which the Mayor shall promulgate. Thereafter, elections shall be conducted by the Board. In any such election, voting shall be by secret ballot, and each individual to be represented on the Board by the winner of such election shall be eligible to vote in such election.

Terms of office.

(3)(A) Except as provided in subparagraph (B), the members of the Board shall each serve a term of four years, except that a member selected to fill a vacancy occurring prior to the end of the term for which his predecessor was selected shall only serve until the end of such term. A member may serve after the expiration of his term until his successor has taken office.

(B) Of the members of the Board who are first selected—

(i) two shall serve for a term of one year,

(ii) three shall serve for a term of two years,

(iii) three shall serve for a term of three years, and

(iv) three shall serve for a term of four years,

as determined by lot at the first meeting of the Board.

Tenure of office.

(4) No individual shall serve more than two terms as a member of the Board, except that an individual serving less than two years of a term to which some other individual was originally selected shall be eligible for two full terms as a member of the Board and an individual serving two years or more of a term to which some other individual was originally selected shall be eligible for only one full term as a member of the Board.

(5) Any individual who was selected as a member of the Board under subparagraph (A), (C), or (E) of paragraph (1) and who ceases to be a member or officer of the Metropolitan Police force, member or officer of the Fire Department, or a teacher, as the case may be, may not continue as a member of the Board.

(6) No member of the Board may hold or be a candidate for any elective office in the District of Columbia.

(7) No member of the Board may have any personal interest, direct or indirect (except as a participant in a retirement program), in any transaction involving assets of the Funds established by this title and shall otherwise comply with the standards of conduct applicable to fiduciaries in the District of Columbia, as well as those standards of conduct established by part E of this title.

Post, p. 894.

(8) Not less than two of the members of the Board appointed by the Mayor under paragraph (1) shall be individuals who have professional work experience in the banking, insurance, or investment industry.

(9) Any member of the Board may be removed from the Board by a vote of two-thirds of the members of the Board for a breach of fiduciary responsibility with respect to a Fund or for a violation of section 184.

(10) The Board shall elect one member of the Board to be chairman of the Board. The chairman shall be elected for a term of one year, but may be removed from such position by a vote of two-thirds of the members of the Board.

(11) The Director of the Office of Budget and Financial Management of the District of Columbia shall be an ex officio member of the Board, but shall not vote, shall not be eligible to be elected chairman of the Board, and shall not be counted for purposes of a quorum.

(c) Subject to the availability of appropriations therefor, each member of the Board shall be entitled to receive the hourly equivalent of the annual rate of pay in effect for the highest step of grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each hour such member is engaged in the actual performance of duties vested in the Board, except that any member of the Board who is a full-time officer or employee of the District of Columbia or the United States shall not be entitled to receive pay under this subsection for performance of duties vested in the Board.

5 USC 5332 note.

Meetings.

(d)(1) The Board shall meet at least once each calendar quarter at a regular and specified time. It shall meet at such other times as the chairman or any three members of the Board may prescribe.

(2) Any six members shall constitute a quorum for the transaction of the business of the Board.

(3) Except as otherwise provided in this title, actions of the Board shall be determined by a majority vote of the members present and voting.

Rules and regulations.

(e) The Board shall from time to time promulgate rules and regulations, adopt resolutions, issue directives for the administration and transaction of its business and for the control of the Funds established by this title, and perform such other functions as may be necessary to carry out its responsibilities under this title.

(f)(1) All administrative expenses incurred by the Board in carrying out this title, including compensation for the members of the Board, shall be paid out of funds appropriated for such purpose.

(2) The budget prepared and submitted by the Mayor pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act shall include recommended expenditures at a reasonable level for the forthcoming fiscal year for the administrative expenses of the Board.

D.C. Code 47-221.

Allocation of funds.

(3) The Mayor and the Council may establish the amount of funds which will be allocated to the Board for administrative expenses, but may not specify the purposes for which such funds may be expended or the amounts which may be expended for the various activities of the Board.

(g)(1) The Board shall engage the services of competent investment counsel or counsels who shall be qualified under the Investment

15 USC 80b-20. Advisors Act of 1940. Such investment counsel or counsels shall be fiduciaries, to the extent designated by the Board, with respect to services rendered to the Board. Such fiduciary relationship shall be specified in a written agreement between the investment counsel or counsels and the Board.

(2) The Board may appoint such staff as it considers necessary to enable it to carry out its responsibilities under this title. The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no staff member may receive pay in excess of the annual rate of basic pay in effect for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

5 USC 101 *et seq.*
5 USC 5101 *et seq.*
5 USC 5331.
5 USC 5332 note.

(h) Not more than ninety days after all initial members of the Board have been selected in accordance with subsection (b) of this section, the Board shall certify in writing to the Director of the Office of Budget and Financial Management of the District of Columbia that the Board is assuming responsibility for the Funds established by this title.

DISTRICT OF COLUMBIA POLICE OFFICERS AND FIRE FIGHTERS' RETIREMENT FUND

SEC. 122. (a) There is established a fund to be known as the District of Columbia Police Officers and Fire Fighters' Retirement Fund into which shall be deposited the following, which shall constitute the assets of the Fund:

(1) Any amount paid to the Custodian of Retirement Funds pursuant to the last sentence of subsection (d)(1) or to subsection (c)(5) of the Policemen and Firemen's Retirement and Disability Act or pursuant to the proviso in the paragraph under the heading "Policemen and Firemen's Relief Fund" in the Act of June 14, 1935.

D.C. Code 4-524, 4-523.
D.C. Code 4-502.

(2) Any amount appropriated for such Fund under part C of this title.

(3) Any return on investment of the assets of such Fund. After September 30, 1979, or after the end of the thirty-day period beginning on the date on which funds are first appropriated to the District of Columbia Police Officers and Fire Fighters' Retirement Fund, whichever is later, all payments of annuities and other retirement and disability benefits (including refunds and lump-sum payments) under the Policemen and Firemen's Retirement and Disability Act shall be made from the Fund (except for any such payment which is made to an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division, or to a beneficiary of any such officer or member).

(b)(1) The last sentence of subsection (d)(1) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-524(1)) is amended by striking out "Such" and inserting in lieu thereof "In the case of a member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia, such deductions and withholdings shall be paid to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act) and shall be deposited in the District of Columbia Police Officers and Fire Fighters' Retirement

Ante, p. 868.

Fund established by section 122(a) of such Act; and in the case of any other member, such". *Ante*, p. 872.

(2) The proviso in the paragraph under the heading "Policemen and Firemen's Relief Fund" in the Act of June 14, 1935 (D.C. Code, sec. 4-502), is amended by inserting immediately before the period the following: ", except that all moneys required to be deposited with respect to officers and members of the Metropolitan Police force or the Fire Department of the District of Columbia shall be paid to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act) for deposit in the District of Columbia Police Officers and Fire Fighters' Retirement Fund established by section 122(a) of such Act". *Ante*, p. 868.

(3) The Act entitled "An Act to credit active service in the military or naval forces of the United States in determining eligibility for and the amount of benefits from the policemen and firemen's relief fund, District of Columbia", approved July 21, 1947 (D.C. Code, sec. 4-504a), is amended by inserting "or the District of Columbia Police Officers and Fire Fighters' Retirement Fund (established by section 122(a) of the District of Columbia Retirement Reform Act)" immediately after "District of Columbia," the first place it appears.

Effective dates.

(c) The amendments made by paragraphs (1) and (2) of subsection (b) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act. The amendment made by paragraph (3) of such subsection shall take effect on such date of enactment.

DISTRICT OF COLUMBIA TEACHERS' RETIREMENT FUND

Establishment.

SEC. 123. (a) There is established a fund to be known as the District of Columbia Teachers' Retirement Fund into which shall be deposited the following, which shall constitute the assets of the Fund:

(1) Any amount paid to the Custodian of Retirement Funds pursuant to the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946, or under the Act entitled "An Act to authorize certain teachers in the public schools of the District of Columbia to count as creditable service for retirement purposes certain periods of authorized leave without pay taken by such teachers for educational purposes", approved June 27, 1960. D.C. Code 31-721 *et seq.* 31 USC 745.

(2) Any asset transferred to such Fund under subsection (c).

(3) Any amount appropriated for such Fund under part C of this title.

(4) Any return on investment of assets of such Fund.

Annuities and other retirement and disability benefits (including refunds and lump-sum payments) payable from the District of Columbia teachers' retirement and annuity fund established by section 2 of the Act of August 7, 1946, shall continue to be paid from such fund until all amounts in such fund have been expended or transferred under subsection (c) to the District of Columbia Teachers' Retirement Fund, and thereafter such benefits shall be paid from the District of Columbia Teachers' Retirement Fund. D.C. Code 31-722.

(b)(1) The Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946, is amended—

(A) in the first section (D.C. Code, sec. 31-721)—

(i) by adding at the end of the first paragraph the following new sentence: "After the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, any amounts deducted and withheld pursuant to this paragraph shall be paid to the Custodian of Retirement Funds (as defined in section 102(6) of such Act) for deposit in the District of Columbia Teachers' Retirement Fund established by section 123(a) of such Act.", and

Ante, p. 868.
Ante, p. 873.

(ii) in the first sentence of the second paragraph, by striking out "Collector of Taxes, District of Columbia," and inserting in lieu thereof "Custodian of Retirement Funds";

(B) in section 2 (D.C. Code, sec. 31-722), by striking out "The" in the first sentence and inserting in lieu thereof "Until the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, the";

D.C. Code 31-722.

(C) in clause (ii) of paragraph (1) of section 5(b) (D.C. Code, sec. 31-725(b)(1)(ii)), by striking out "returned to the teachers' retirement and annuity fund established under section 2 of this Act" and inserting in lieu thereof "repaid to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act) for deposit in the District of Columbia Teachers' Retirement Fund established by section 123(a) of such Act";

(D) in section 9(a) (D.C. Code, sec. 31-729(a)), by striking out "deposit in the fund" in the second proviso and inserting in lieu thereof "repay to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act) for deposit in the District of Columbia Teachers' Retirement Fund established by section 123(a) of such Act,";

(E) in clause (ii) of section 9(b)(1) (D.C. Code, sec. 31-729(b)(1)), by striking out "returned to the teachers' retirement and annuity fund established under section 2 of this Act" and inserting in lieu thereof "repaid to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act) for deposit in the District of Columbia Teachers' Retirement Fund established by section 123(a) of such Act"; and

(F) in section 17 (D.C. Code, sec. 31-737), by inserting "(including any assets of the District of Columbia Teachers' Retirement Fund established by section 123(a) of the District of Columbia Retirement Reform Act)" immediately after "Act".

(2) Section 4 of the Act entitled "An Act to increase annuities payable to certain annuitants from the District of Columbia teachers' retirement and annuity fund, and for other purposes", approved September 2, 1958 (D.C. Code, sec. 31-744), is amended by inserting immediately before the period at the end of the first sentence the following: "until such time as all amounts in such fund have been expended or transferred under section 123(c) of the District of Columbia Retirement Reform Act to the District of Columbia Teachers' Retirement Fund established by section 123(a) of such Act and thereafter from the District of Columbia Teachers' Retirement Fund".

(3) The Act entitled "An Act to authorize certain teachers in the public schools of the District of Columbia to count as creditable service for retirement purposes certain periods of authorized leave without pay taken by such teachers for educational purposes", approved June 27, 1960 (D.C. Code, sec. 31-745), is amended by striking out "the deposit by such teacher to the credit of the teachers' retirement and annuity fund of the District of Columbia" and inserting in lieu thereof "payment by such teacher to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act), for deposit in the District of

Columbia Teachers' Retirement Fund established by section 123(a) of such Act,". *Ante*, p. 873.

(c) Notwithstanding any other provision of law, any asset held in the District of Columbia teachers' retirement and annuity fund established by section 2 of the Act of August 7, 1946, may be transferred to the District of Columbia Teachers' Retirement Fund established by subsection (a). D.C. Code 31-722.

Effective date.

(d) The amendments made by subsection (b) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

DISTRICT OF COLUMBIA JUDGES' RETIREMENT FUND

Establishment.

SEC. 124. (a) There is established a fund to be known as the District of Columbia Judges' Retirement Fund into which shall be deposited the following, which shall constitute the assets of the Fund:

(1) Any amount deposited pursuant to subchapter III of chapter 15 of title 11 of the District of Columbia Code. D.C. Code 11-1561 *et seq.*

(2) Any asset transferred to such Fund under subsection (c).

(3) Any amount appropriated for such Fund under part C of this title.

(4) Any return on investment of the assets of such Fund.

(b)(1) Section 11-1561(4) of title 11 of the District of Columbia Code is amended by striking out "Judicial Retirement and Survivors Annuity Fund as provided in section 11-1570" and inserting in lieu thereof "Judges' Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act". *Supra.*

(2) Section 11-1563(a) of such title 11 is amended by striking out "deposited in the fund in accordance with procedures established by the Commissioner" and inserting in lieu thereof "paid to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act) for deposit in the fund". *Ante*, p. 868.

(3) Section 11-1564(d)(4) of such title 11 is amended in the first sentence by striking out "Judicial Retirement and Survivors Annuity Fund" and inserting in lieu thereof "Judges' Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act".

(4) Section 11-1570 of such title 11 is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting immediately before the period "until such time as all amounts in such Fund have been expended or transferred to the District of Columbia Judges' Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act"; and

(ii) by striking out the second and third sentences and inserting in lieu thereof the following: "Thereafter the retirement salaries, annuities, refunds, and allowances provided for in this subchapter shall be paid from such Fund.";

(B) in subsection (b)—

(i) by striking out "such funds" and inserting in lieu thereof "the District of Columbia Judicial Retirement and Survivors Annuity Fund";

(ii) by striking out "from the fund" and inserting in lieu thereof "under the first sentence of subsection (a)"; and

(iii) by striking out "fund" the second place it appears and inserting in lieu thereof "District of Columbia Judicial Retirement and Survivors Annuity Fund"; and

(C) in subsection (d), by inserting "(including moneys in the District of Columbia Judges' Retirement Fund)" immediately after "subchapter".

Transfer of funds.

(c) Notwithstanding any other provision of law, any asset held in the District of Columbia Judicial Retirement and Survivors Annuity Fund may be transferred to the District of Columbia Judges' Retirement Fund established by subsection (a).

Effective date.

(d) The amendments made by subsection (b) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

MANAGEMENT OF RETIREMENT FUNDS

SEC. 125. (a) The Custodian of Retirement Funds shall be the custodian of the assets of each Fund established by this title and shall manage and invest such assets in accordance with this title.

(b) The assets of each Fund shall be kept separate from other moneys which may be under the control of the Custodian of Retirement Funds, but need not be kept separate from the assets of the other Funds if the Board determines that commingling of such assets is advisable for investment purposes.

(c) The Board shall maintain, in an appropriate depository, a cash reserve for the Funds in an amount determined by the Board to be sufficient to meet current outlays for annuities and other retirement and disability benefits authorized to be paid from such Funds.

PAYMENTS FROM THE FUNDS

Notification.

SEC. 126. The Mayor shall notify the Custodian of Retirement Funds of any payments to be made from the Funds established by this title for annuities or other retirement or disability benefits (including refunds and lump-sum payments), and the Custodian of Retirement Funds shall make such payments from the appropriate Fund.

PART C—FINANCING OF RETIREMENT BENEFITS

LIMITATION ON INVESTMENT OF RETIREMENT FUNDS

SEC. 141. (a) The assets of the Funds established by this title may not be invested in the following:

(1) Interest-bearing bonds, notes, bills, or certificates of indebtedness of the government of the District of Columbia, the government of the Commonwealth of Virginia, or the government of the State of Maryland, or the government of any political subdivision thereof, or of any entity subject to control by any such government or any combination of any such governments.

(2) Obligations fully guaranteed as to the payment of both principal and interest by the government of the District of Columbia, the government of the Commonwealth of Virginia, or the government of the State of Maryland, or the government of any political subdivision thereof, or of any entity subject to control by any such government or any combination of any such governments.

(3) Real property in the District of Columbia, Virginia, or Maryland.

(4) Loans, mortgages, bonds, notes, bills, or certificates of indebtedness secured, in whole or in part, by real property in the District of Columbia, Virginia, or Maryland.

(b) Until such time as the members of the Board are first selected and the Board certifies pursuant to section 121(h) that it is assuming responsibility for the Funds established by this title, the assets of such Funds may only be invested in the following:

(1) Interest-bearing bonds, notes, bills, or certificates of indebtedness of the United States Government, or obligations fully guaranteed as the payment of both principal and interest by the United States Government.

(2) Interest-bearing certificates of deposit issued by National, State, or District of Columbia savings and loan institutions.

DETERMINATION OF FEDERAL AND DISTRICT OF COLUMBIA PAYMENTS TO THE FUNDS

Enrolled actuary.

SEC. 142. (a)(1) The Board shall engage an enrolled actuary who may be the enrolled actuary engaged pursuant to section 162(a)(4)(A), who shall, on the basis of the entry age normal cost funding method and in accordance with generally accepted actuarial principles and practices, make the following determinations with respect to each Fund:

"Net normal cost percentage."

(A) At the times specified in paragraph (2), the actuary shall determine the level percentage of payroll, expressed as a percentage (hereinafter in this title referred to as the "net normal cost percentage"), which shall be the percentage such that the amount equal to the product of such percentage and the present value of future compensation for participants in the retirement program, if paid annually into the Fund from the date of hire of each participant in the retirement program until the date of such participant's death, retirement, or other withdrawal from employment covered by the retirement program, is equal to the amount of the difference between (i) the present value of the future benefits payable from the Fund to such group, and (ii) the present value of all future employee contributions to the Fund.

"Accrued actuarial liability."

(B) At the times specified in paragraph (2), the actuary shall determine the amount (hereinafter in this title referred to as the "accrued actuarial liability") that is the difference between (i) the present value (as of the date of the determination) of the future benefits payable from the Fund, and (ii) the sum of—

(I) the present value of all future employee contributions to the Fund; and

(II) the product of the net normal cost percentage and the present value of future compensation for participants in the retirement program.

(C) At the times specified in paragraph (2), the enrolled actuary shall determine the current value of the assets in the Fund.

D.C. Code 47-2210.

(D) Each year, not later than sixty days prior to the date on which the Mayor is required to submit the annual budget for the government of the District of Columbia to the Council under section 442(a) of the District of Columbia Self-Government and Governmental Reorganization Act, the enrolled actuary shall determine—

(i) an estimate of the current annual active duty payroll;

(ii) the amount (hereinafter in this title referred to as the "future Federal obligation") that is the amount of the present value of the sum of the amounts authorized by section 144(a) to be appropriated to the Fund for fiscal years beginning on or after the date of the determination; and

(iii) the amount (hereinafter in this title referred to as the "net pay-as-you-go cost") that is the difference between (I) the amount of the obligation of the Fund during the next fiscal year for the payment of benefits payable from the Fund during such year, and (II) the amount of employee contributions to the Fund for such year.

The actuary shall also determine such additional information as the Board may require in order to make the determinations specified in paragraph (4) and in subsection (b).

(2) The actuary engaged by the Board pursuant to paragraph (1) shall make the determinations described in subparagraphs (A), (B), and (C) of such paragraph at the following times:

(A) Not later than sixty days after the date of the enactment of this Act.

(B) Upon a request by the Board or by the Director of the Office of Management and Budget.

(C) Not later than the end of the ninety-day period beginning on the first day of the third fiscal year occurring after the fiscal year in which the last such determination was made pursuant to any subparagraph of this paragraph.

(3) On the basis of the most recent determinations made under paragraph (1), the enrolled actuary shall certify to the Board each year, at a time specified by the Board, the following information with respect to each Fund for the next fiscal year:

Net normal cost.

(A) The net normal cost, which shall be computed as the product of the net normal cost percentage and the estimate by the actuary of the current annual active duty payroll.

(B) The accrued actuarial liability.

(C) The current value of assets in the Fund.

(D) The future Federal obligation.

(E) The net pay-as-you-go cost.

Unfunded actuarial liability.

(F) The unfunded actuarial liability, which shall be computed as the difference between the accrued actuarial liability and the sum of the current value of the assets in the Fund and the future Federal obligation.

(G) The amount equal to the difference between (i) the accrued actuarial liability as of January 2, 1975 (in future value as of the end of the fiscal year for which the determination is made), and (ii) the sum of the future Federal obligation, the current value of previous Federal contributions, and (in the case of the District of Columbia Teachers' Retirement Fund and the District of Columbia Judges' Retirement Fund) the current value of any assets in the predecessor to such Fund as of January 2, 1975, which amount is the difference between the amount that the Federal Government would pay to the Fund if the Federal Government had assumed the funding responsibility for all accrued unfunded liabilities as of January 2, 1975, and the amount actually to be paid by the Federal Government.

"Current value of the assets in the Fund."

For the purposes of subparagraph (F), the term "current value of the assets in the Fund" shall be deemed to include (i) the present value of any payments to be made to the Fund by the District in accordance with subsection (b)(1)(C)(i), and (ii) the present value of the amount of any reduction in the amount of future District payments to the Fund determined in accordance with subsection (b)(1)(D).

(4) The Board shall determine—

(A) the amount of the Federal payment for the next fiscal year for each Fund authorized to be appropriated under section 144(a); and

(B) on the basis of the most recent certification submitted by the enrolled actuary under paragraph (3), the amount of the

District payment for the next fiscal year for each Fund, as described under subsection (b).

(b)(1)(A) For the District payment for each Fund for each fiscal year through fiscal year 2004, the Board shall determine—

(i) the unfunded actuarial liability for such Fund as of the end of fiscal year 2004;

(ii) the unfunded actuarial liability as of October 1, 1979, in future value as of the end of fiscal year 2004 for such Fund; and

(iii) the amount equal to the lesser of (I) the net pay-as-you-go cost, and (II) the sum of the net normal cost and the amount of annual interest (computed at the valuation rate used in the determination under subsection (a)(1)) on the unfunded actuarial liability, as computed under subsection (a)(3)(F).

(B) If the amount determined under subparagraph (A)(i) is equal to the amount determined under subparagraph (A)(ii), the amount of the District payment for the fiscal year for such Fund shall be the amount determined under subparagraph (A)(iii).

(C)(i) If the amount determined under subparagraph (A)(i) is greater than the amount determined under subparagraph (A)(ii), the amount of the District payment for the fiscal year for such Fund shall be the amount equal to the sum of (I) the amount determined under subparagraph (A)(iii), and (II) the amount of the level amortization payment that, if paid annually into the Fund through the next ten fiscal years (and accrued at the rate of interest used in the determinations under subsection (a)(1)), would reduce the amount determined under subparagraph (A)(i) to the amount determined under subparagraph (A)(ii) by the end of such ten fiscal years.

Level amortization payment.

(ii) A level amortization payment shall not be required under this subparagraph for any fiscal year to the extent that the difference between the amount determined under subparagraph (A)(i) and the amount determined under subparagraph (A)(ii) for such fiscal year is attributable to the failure of the Federal Government (other than a failure because of section 144(d) or 145) to make all or any part of the Federal payment to such Fund for any fiscal year.

(D) If the amount determined under subparagraph (A)(ii) is greater than the amount determined under subparagraph (A)(i), the amount of the District payment for such Fund shall be the amount determined under subparagraph (A)(iii) reduced by the amount of the level amortization payment that, if paid annually for the next ten fiscal years, would have a future value as of the end of fiscal year 2004 equal to the difference between the amount determined under subparagraph (A)(ii) and the amount determined under subparagraph (A)(i).

District payment, limitation.

(E) The amount of a District payment determined under subparagraph (C) may not exceed the amount determined under subparagraph (A)(iii) by more than 10 percent of the net pay-as-you-go cost, in the case of a payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund, or by more than 30 percent of the net pay-as-you-go cost, in the case of a payment to the District of Columbia Teachers' Retirement Fund or to the District of Columbia Judges' Retirement Fund.

(F) Determinations under subparagraph (A) shall be made in accordance with generally accepted actuarial principles and practices.

(2) The amount of the District payment to each Fund for fiscal year 2005 and for each fiscal year thereafter shall be the sum of (A) the net normal cost, and (B) the amount of annual interest (computed at the valuation rate used in the determination pursuant to subsection (a)(1)) on the unfunded actuarial liability.

(c)(1) On the basis of the most recent determinations made under subsection (a)(4), the Board shall—

(A) not later than March 15 of each year through calendar year 2003, submit to the President and to the Congress a request for appropriation of the Federal payment for the next fiscal year for each Fund; and

(B) not less than thirty days prior to the date on which the Mayor is required to submit the annual budget for the government of the District of Columbia to the Council under section 442(a) of the District of Columbia Self-Government and Governmental Reorganization Act, certify to the Mayor and the Council the amount of the District payment for each Fund.

D.C. Code 47-221.

(2) The Mayor, in preparing each annual budget for the District of Columbia pursuant to section 442(a) of the District of Columbia Self-Government and Governmental Reorganization Act, and the Council of the District of Columbia, in adopting each annual budget in accordance with section 446 of such Act, shall include in such budget not less than the full amount certified by the Board under paragraph (1)(B) as being the amount of the District payment for the next fiscal year for each Fund. The Mayor and the Council may comment and make recommendations concerning any such amount certified by the Board.

D.C. Code 47-224.

Recommendations.

(d)(1) Whenever any change in benefits under a retirement program is made, the Mayor shall engage an enrolled actuary, who may be the enrolled actuary engaged pursuant to section 162(a)(4)(A), to estimate the effect of such change in benefits over the next five fiscal years on (A) the net normal cost percentage with respect to the retirement program, (B) the accrued actuarial liability with respect to the retirement program, (C) the net pay-as-you-go cost with respect to the retirement program, and (D) the level of the District payments to the Fund. The Mayor shall transmit the estimates of the actuary under the preceding sentence to the Board and to the Speaker and the President pro tempore, and such change in benefits may not go into effect until the end of the thirty-day period beginning on the date such transmittals are completed.

(2) In the event a change in benefits under a retirement program is made that increases the present value of benefits payable from the Fund, a level amortization payment for a period not to exceed twenty-five years shall be paid by the District to the Fund such that the present value of the sum of such level amortization payments equals the increase in the present value of such benefits. Such payments shall be made in addition to any other payment to the Fund required to be made by the District, and such increase in present value of benefits payable from the Fund and such payments shall be disregarded in calculating the unfunded actuarial liability under subsection (b)(1)(A).

(e) Whenever the amount authorized to be appropriated to the District of Columbia Police Officers and Fire Fighters' Retirement Fund for any fiscal year under section 144(a)(1) is reduced under section 145(c), the District shall, beginning with the next fiscal year, pay a level amortization payment to such Fund for a period not to exceed ten years such that the present value (determined as of the beginning of the fiscal year for which such authorization is reduced) of the sum of such level amortization payments equals the amount of such reduction. Such payments shall be made in addition to any other payment to such Fund required to be made by the District and shall be disregarded in calculating the unfunded actuarial liability under subsection (b)(1)(A).

(f) The Comptroller General of the United States shall have access to all books, accounts, records, reports, files and other papers necessary to carry out the responsibility of the Comptroller General under section 736(a) of the District of Columbia Self-Government and Governmental Reorganization Act and under section 144(e) of this Act.

D.C. Code 47-120-1; 31 USC 61.

INFORMATION ABOUT RETIREMENT PROGRAMS

SEC. 143. Upon a request of the Board, the Mayor shall furnish to the Board such information with respect to retirement programs to which this title applies as the Board considers necessary to enable it to carry out its responsibilities under this title and to enable the enrolled actuary engaged pursuant to section 142(a) to carry out the responsibilities of the enrolled actuary under this title.

FEDERAL AND DISTRICT OF COLUMBIA PAYMENTS TO THE FUNDS

Appropriation authorizations.

SEC. 144. (a) There is authorized to be appropriated from the revenues of the United States for fiscal year 1980 and for each fiscal year thereafter through fiscal year 2004—

(1) as the Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund, the sum of $34,170,000, reduced by the amount of any reduction required under section 145(c);

(2) as the Federal payment to the District of Columbia Teachers' Retirement Fund, the sum of $17,680,000; and

(3) as the Federal payment to the District of Columbia Judges' Retirement Fund, the sum of $220,000.

(b)(1) Amounts appropriated as a Federal payment to a Fund established by this title shall not be subject to apportionment and shall be deposited in the appropriate Fund not more than thirty days after they are appropriated or thirty days after the beginning of the fiscal year for which they are appropriated, whichever is later.

(2) Amounts appropriated as a District of Columbia payment to a Fund established by this title shall be deposited in the appropriate Fund in equal quarterly installments, the first of which shall be made on the first day of the first quarter of the fiscal year, or on the first day thereafter that funds for such installment become available, and the remainder of which shall be made on the first day of succeeding quarters of the fiscal year, or on the first day thereafter that funds for such installments become available.

(c) If at any time the balance of any Fund established by this title is not sufficient to meet all obligations against such Fund, such Fund shall have a claim on the revenues of the District of Columbia to the extent necessary to meet such obligations.

(d) If, for any fiscal year, the Mayor and the Council do not carry out the requirements of subsections (c)(2), (d), and (e) of section 142 with respect to a Fund, no funds authorized to be appropriated for such Fund by this section shall be available for such Fund for such fiscal year.

Federal share payments.

(e)(1) In the year 2004, the Comptroller General shall determine whether the Federal share with respect to each Fund has been paid in full by payments made pursuant to appropriations authorized under subsection (a) of this section and, in the case of the District of Columbia Police Officers and Fire Fighters' Retirement Fund, by payments made or to be made under section 142(e).

"Federal share."

(2) For the purposes of this subsection, the term "Federal share", with respect to a retirement program, means the sum of—

(A) 80 percent of the accrued unfunded liability as of October 1, 1979, for participants in the retirement program who retired before January 2, 1975, under a provision of law authorizing retirement and entitlement to an annuity based upon the years of creditable service of the participant (and for the beneficiaries of such participants under the retirement program); and

(B) 33⅓ percent of the accrued unfunded liability as of October 1, 1979, for participants in the retirement program who retired before January 2, 1975, under a provision of law authorizing retirement and entitlement to an annuity based upon a disease or disability from which the participant is suffering (and for the beneficiaries of such participants under the retirement program).

REDUCTION IN FEDERAL CONTRIBUTION FOR EXCESSIVE COST OF POLICE OFFICERS AND FIRE FIGHTERS' DISABILITY RETIREMENT

SEC. 145. (a) After January 1, and before March 1, of each year beginning with calendar year 1983 and ending with calendar year 2004, the enrolled actuary engaged pursuant to section 142 shall, with respect to the District of Columbia Police Officers and Fire Fighters' Retirement Fund—

(1) determine the estimated present value (as of the date of the determination) of the cost to the Fund of the future benefits payable from such Fund for disability retirements under subsections (f)(1) and (g)(1) of the Policemen and Firemen's Retirement and Disability Act to those officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who first became such officers or members on or before the end of the ninety-day period beginning on the date of the enactment of this Act and who were not retired on the first day of the preceding calendar year;

D.C. Code 4-526, 4-527.

(2) determine the estimated present value (as of the date of the determination) of the cost to the Fund of the benefits referred to in paragraph (1) determined as if such officers and members retire, had retired, or had to choose whether to retire under the provisions of subsection (f)(2) or (g)(5) of such Act, as in effect on the day after the end of the ninety-day period beginning on the date of the enactment of this Act, except that in making determinations under this paragraph, the enrolled actuary (A) shall not take into account reductions pursuant to subsection (j)(3) of the Policemen and Firemen's Retirement and Disability Act, and (B) shall take into account such factors as the actuary considers to be appropriate and in accordance with sound actuarial practice in order to eliminate age-specific or other bias; and

Post, p. 903.

(3) state whether, in accordance with sound actuarial practice, the ratio of the amount determined under paragraph (1) to the amount determined under paragraph (2) can be said to be greater than 1.02.

Report.

The enrolled actuary shall report the determinations and statements made under paragraphs (1) through (3) for any year to the Board and to the Comptroller General of the United States not later than March 1 of such year.

(b)(1) The Board and the Comptroller General shall each transmit a copy of each report by the enrolled actuary under subsection (a) to the Speaker, the President pro tempore, the Mayor, and the Council not later than March 31 of the year in which the report is made, and each shall submit comments on such report.

(2) The Comptroller General shall include in his comments on each such report transmitted under paragraph (1) a statement of whether the determinations and statement made by the enrolled actuary under subsection (a) were made in conformance with generally accepted actuarial practices and principles and whether such determinations and statements fairly present in all material respects the amounts described in paragraphs (1) and (2) of such subsection.

(c) Notwithstanding any other provision of this Act, with respect to the fiscal year commencing in any calendar year in which a report of the enrolled actuary under subsection (a), as transmitted to the Congress in accordance with subsection (b), includes a statement by the enrolled actuary under paragraph (3) of subsection (a) that the ratio of the estimates determined under paragraphs (1) and (2) of such subsection is greater than 1.02, the amount authorized by section 144(a)(1) to be appropriated to the Fund for such fiscal year shall be reduced. Such reduction shall be an amount equal to the product of (1) the amount specified in such section, and (2) the ratio of (A) the number of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who retired during the preceding calendar year under subsections (f)(1) and (g)(1) of the Policemen and Firemen's Retirement and Disability Act to (B) the number of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who first became such members prior to the end of the ninety-day period beginning on the date of the enactment of this Act and who retired, died, withdrew by taking out a lump-sum payment, or separated from active duty while eligible for a deferred annuity under the Policemen and Firemen's Retirement and Disability Act during such year.

D.C. Code 4-526, 4-527.

D.C. Code 4-521 note.

(d)(1) Notwithstanding any provision of the Policemen and Firemen's Retirement and Disability Act or any other provision of this Act, in any case in which any officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia retires during calendar year 1979 or any subsequent calendar year through calendar year 2001 under subsection (f)(1) or (g)(1) of the Policemen and Firemen's Disability Act, the Board of Police and Fire Surgeons shall determine, within a reasonable time and in accordance with regulations which the Mayor shall promulgate, the percentage of impairment of such officer or member and shall report such percentage of impairment to the Police and Firemen's Retirement and Relief Board. In the case of such officer or member, such Board shall determine, within a reasonable time, the percentage of disability of such officer or member giving due regard to—

(A) the nature of the injury or disease;

(B) the percentage of impairment reported pursuant to the preceding sentence;

(C) the position in the Metropolitan Police force or the Fire Department of the District of Columbia held by the officer or member immediately prior to such officer or member's retirement;

(D) the age and years of service of the officer or member; and

(E) any other factor or circumstance which may affect the capacity of the officer or member to earn wages or engage in gainful activity in his disabled condition, including the effect of the disability as it may naturally extend into the future.

(2) The Police and Firemen's Relief Board, on or before January 31 of each calendar year from 1980 through 2002, shall make available to the Comptroller General and the enrolled actuary all determinations (including related documents and information) made during the preceding calendar year pursuant to paragraph (1) of this subsection

in order to enable the Comptroller General and the enrolled actuary to make the determinations and statement required by this section.

CONFORMING AMENDMENTS

Repeal.

SEC. 146. (a)(1) Section 7 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-727), is repealed.

(2) Section 14 of such Act of August 7, 1946 (D.C. Code, sec. 31-734), is amended—

(A) in the third sentence, by striking out "The" and inserting in lieu thereof "Until such time as all amounts in the teachers' retirement and annuity fund have been expended or transferred to the District of Columbia Teachers' Retirement Fund established by section 123(a) of the District of Columbia Retirement Reform Act, the"; and

Ante, p. 873.

(B) by striking out the fourth sentence.

Repeal.

(3) Section 15 of such Act of August 7, 1946 (D.C. Code, sec. 31-735), is repealed.

Repeal.

(b) The proviso in the fourth paragraph (relating to District government retirement and relief funds) under the heading "Compensation and Retirement Fund Expenses" in the Act of July 31, 1953 (D.C. Code, sec. 31-716a), is repealed.

(c)(1) Section 7 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved January 15, 1920 (D.C. Code, sec. 31-707), is amended by striking out the second and third sentences of the first paragraph.

(2) Section 14 of such Act of January 15, 1920 (D.C. Code, sec. 31-715), is amended by striking out the third and fourth sentences.

Repeal.

(3) Section 15 of such Act of January 15, 1920 (D.C. Code, sec. 31-716), is repealed.

PART D—REPORTING AND DISCLOSURE REQUIREMENTS

PERSONAL FINANCIAL DISCLOSURE BY BOARD MEMBERS

SEC. 161. (a) Each member of the Board shall, within ninety days of his selection as a member of the Board and not later than April 30 of each year thereafter, submit to the Mayor, the Council, the Speaker, and the President pro tempore a personal financial disclosure statement with respect to the preceding calendar year. Such statement shall be in such form as the Council may by regulation require and shall contain such information with respect to the member's financial condition as the Council may by regulation require, including the following information:

26 USC 61.

(1) The amount and source of all income (as defined in section 61 of the Internal Revenue Code of 1954) received during the year.

(2) The identity and category of value of each liability owned, directly or indirectly, that exceeds $2,500 as of the last day of the year (excluding any mortgage that secures real property that is the principal residence of such member).

(3) The identity and category of value of any property held, directly or indirectly, in a trade or business or for investment or the production of income that has a fair market value of not less than $1,000 as of the last day of the year.

(4) The identity and category of value of any transaction, whether direct or indirect, in securities or commodities futures during the year in excess of $1,000 (excluding any gift to any tax-

exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1954), and the identity, date, and category of value of any purchase or sale, whether direct or indirect, of any interest in real or tangible personal property during the year the value of which exceeds $1,000 at the time of such purchase or sale (excluding any purchase or sale of any property that is the principal residence of such member or that is used as furnishings for such principal residence).

26 USC 501.

(5) The nature and extent of any interest during the year in any bank, insurance company, or other financial institution, or in any brokerage or other securities or investment company.

(6) The nature and extent of any employment during the year by any bank, insurance company, or other financial institution, or by any brokerage or other securities or investment company.

A member shall not be required to submit a personal financial disclosure statement to the Speaker and the President pro tempore for calendar years after calendar year 2004.

Personal financial disclosure statement.

(b) For purposes of paragraphs (2), (3), and (4) of subsection (a), the member reporting need not specify the actual amount of value of each item required to be reported under such paragraphs, but shall indicate which of the following categories such amount or value is within:

(1) Not more than $5,000.
(2) Greater than $5,000 but not more than $15,000.
(3) Greater than $15,000 but not more than $50,000.
(4) Greater than $50,000 but not more than $100,000.
(5) Greater than $100,000.

ANNUAL REPORTS

SEC. 162. (a)(1)(A) The Board shall publish an annual report for each fiscal year (beginning with fiscal year 1980) with respect to each retirement program to which this title applies and with respect to the Fund for such retirement program. Such report shall be filed with the Mayor, the Council, the Speaker, and the President pro tempore in accordance with section 164(a) and shall be made available and furnished to participants and beneficiaries in accordance with section 164(b).

Publication.

(B) The annual report shall include the information described in subsections (b), (c), (d), and (e) and, when applicable, subsection (f), and shall also include—

(i) the financial statement and opinion required by paragraph (3) of this subsection; and

(ii) the actuarial statement and opinion required by paragraph (4) of this subsection.

(2) If some or all of the information needed to enable the Board to comply with the requirements of this title is maintained by—

(A) an insurance carrier or other organization which provides some or all of the benefits under the retirement program, or holds assets of the Fund for such retirement program in a separate account;

(B) a bank or similar institution which holds some or all of the assets of the Fund in a common or collective trust or a separate trust, or custodial account; or

(C) the Mayor (or the Police and Firemen's Retirement and Relief Board, established pursuant to section 122 of the Act of September 3, 1974, in carrying out the Mayor's responsibilities under the Policemen and Firemen's Retirement and Disability Act);

D.C. Code 4-533a.

such carrier, organization, bank, or institution, or the Mayor, shall transmit and certify the accuracy of such information to the Board within one hundred and twenty days after the end of ~~the~~ fiscal year (or such other date as may be prescribed under regulations of the Board).

Audit.

(3)(A) Except as provided in subparagraph (C), the Board shall engage an independent qualified public accountant who shall conduct such examination of any financial statements of the Fund, and of other books and records of the Fund or the retirement program, as the accountant may deem necessary to enable the accountant to form an opinion as to whether the financial statements and schedules required to be included in the annual report by subsection (b) of this section are presented fairly in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year. Such examination shall be conducted in accordance with generally accepted auditing standards and shall involve such tests of the books and records of the Fund and the retirement program as are considered necessary by the independent qualified public accountant. The independent qualified public accountant shall also offer his opinion as to whether the separate schedules specified in subsection (b)(2) of this section and the summary material required under section 164(b)(2) present fairly, and in all material respects, the information contained therein when considered in conjunction with the financial statements taken as a whole. The opinion by the independent qualified public accountants shall be made a part of the annual report.

(B) In offering his opinion under this section, the accountant may rely on the correctness of any actuarial matter certified to by an enrolled actuary if he so states his reliance.

(C) The opinion required by subparagraph (A) need not be expressed as to any statements required by subsection (b)(2)(G) prepared by a bank or similar institution or insurance carrier regulated and supervised and subject to periodic examination by a State or Federal agency if such statements are certified by the bank, similar institution, or insurance carrier as accurate and are made a part of the annual report.

(4)(A) The Board shall engage an enrolled actuary who shall be responsible for the preparation of the materials comprising the actuarial statement required under subsection (d) of this section.

(B) The enrolled actuary shall utilize such assumptions and techniques as are necessary to enable him to form an opinion as to whether the contents of the matters reported under subsection (d) of this section—

(i) are in the aggregate reasonably related to the experience of the Fund and the retirement program and to reasonable expectations; and

(ii) represent his best estimate of anticipated experience under the Fund and the retirement program.

The opinion by the enrolled actuary shall be made with respect to, and shall be made a part of, each annual report.

(C) In making a certification under this section, the enrolled actuary may rely on the correctness of any accounting matter under subsection (b) as to which any qualified public accountant has expressed an opinion if he so states his reliance.

Financial statement.

(b)(1) An annual report under this section shall include a financial statement containing a statement of assets and liabilities, and a statement of changes in net assets available for benefits under the retirement program, which shall include details of revenues and expenses and other changes aggregated by general source and application. In the notes to financial statements, disclosures concerning the following items shall be considered by the accountant: A description of the retirement program, including any significant changes in the retirement program made during the period and the impact of such changes on benefits; the funding policy (including the policy with respect to prior service cost), and any changes in such policy during the year; a description of any significant changes in benefits made during the period; a description of material lease commitments, other commitments, and contingent liabilities; a description of agreements and transactions with persons known to be parties in interest; and any other matters necessary to fully and fairly present the financial statements of the Fund.

(2) The statement required under paragraph (1) shall have attached the following information in separate schedules:

(A) A statement of the assets and liabilities of the Fund, aggregated by categories and valued at their current value, and the same data displayed in comparative form for the end of the previous fiscal year.

(B) A statement of receipts in and disbursements from the Fund during the preceding twelve-month period, aggregated by general source and application.

(C) A schedule of all assets held for investment purposes, aggregated and identified by issuer, borrower, or lessor, or similar party to the transaction (including a notation as to whether such party is known to be a party in interest), maturity date, rate of interest, collateral, par or maturity value, cost, and current value.

(D) A schedule of each transaction involving a person known to be a party in interest, the identity of such party in interest and his relationship or that of any other party in interest to the Fund, a description of each asset to which the transaction relates; the purchase or selling price in case of a sale or purchase, the rental in case of a lease, or the interest rate and maturity date in case of a loan; expenses incurred in connection with the transaction; the cost of the asset, the current value of the asset, and the net gain or loss on each transaction.

(E) A schedule of all loans or fixed income obligations which were in default as of the close of the fiscal year or were classified during the year as uncollectable and the following information with respect to each loan on such schedule (including a notation as to whether parties involved are known to be parties in interest): The original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral, and other material terms), the amount of principal and interest overdue (if any) and an explanation thereof.

(F) A list of all leases which were in default or were classified during the year as uncollectable and the following information with respect to each lease on such list (including a notation as to whether parties involved are known to be parties in interest): The type of property leased (and, in the case of fixed assets such as land, buildings, and leaseholds, the location of the property); the identity of the lessor or lessee from or to whom the Fund is leasing; the relationship of such lessors and lessees, if any, to the Fund, the government of the District of Columbia, any employee organization, or any other party in interest; the terms of the lease regarding rent, taxes, insurance, repairs, expenses, and renewal options; the date the leased property was purchased and its cost; the date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, expenses paid for the leased property during the reporting period, the net receipts from the lease, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default.

(G) The most recent annual statement of assets and liabilities of any common or collective trust maintained by a bank or similar institution in which some or all the assets of the Fund are held, of any separate account maintained by an insurance carrier in which some or all of the assets of the Fund are held, and of any separate trust maintained by a bank as trustee in which some or all of the assets of the Fund are held, and in the case of a separate account or a separate trust, such other information as may be required by the Board in order to comply with this subsection.

(H) A schedule of each reportable transaction, the name of each party to the transaction (except that, in the case of an acquisition or sale of a security on the market, the report need not identify the person from whom the security was acquired or to whom it was sold) and a description of each asset to which the transaction applies; the purchase or selling price in case of a sale or purchase, the rental in case of a lease, or the interest rate and maturity date in case of a loan; expenses incurred in connection with the transaction; the cost of the asset, the current value of the asset, and the net gain or loss on each transaction.

"Reportable transaction."

(3) For purposes of subparagraph (H) of paragraph (2), the term "reportable transaction" means a transaction to which the Fund is a party and which is—

(A) a transaction involving an amount in excess of 3 percent of the current value of the assets of the Fund;

(B) any transaction (other than a transaction respecting a security) which is part of a series of transactions with or in conjunction with a person in a fiscal year, if the aggregate amount of such transactions exceed 3 percent of the current value of the assets of the Fund;

(C) a transaction which is part of a series of transactions respecting one or more securities of the same issuer, if the aggregate amount of such transactions in the fiscal year exceeds 3 percent of the current value of the assets of the Fund; or

(D) a transaction with or in conjunction with a person respecting a security, if any other transaction with or in conjunction with such person in the fiscal year respecting a security is required to be reported by reason of subparagraph (A).

(c) The Board shall furnish as a part of an annual report under this section the following information:

(1) The number of individuals covered by the retirement program.

(2) The name and address of each member of the Board.

(3) Except in the case of a person whose compensation is minimal (as determined under regulations of the Council, which regulations the Council shall initially promulgate within ninety days after the date of the enactment of this Act) and who performs solely ministerial duties (as determined under such regulations), the name of each person (including any consultant, broker, trustee, accountant, insurance carrier, actuary, administrator, investment counsel, or custodian who rendered services to the Board or who had transactions with the Board) who directly or indirectly received compensation from the Board during the

preceding year for services rendered to the Board or the participants or beneficiaries of the retirement program for which a Fund was established, the amount of such compensation, the nature of his services, his relationship, if any, to the District of Columbia government or any employee organization, and any other officer, position or employment he holds with any party in interest.

(4) An explanation of the reason for any change in appointment of any accountant, insurance carrier, enrolled actuary, or investment counsel appointed by the Board.

(5) Such other financial and actuarial information as the Council may by regulation prescribe.

Complete actuarial statement.

(d) An annual report under this section for a fiscal year shall include a complete actuarial statement applicable to the fiscal year which shall include the following information:

(1) The date of the actuarial valuation applicable to the fiscal year for which the report is filed.

(2) The date and amount of the payments to the Fund for the fiscal year for which the report is filed and contributions for prior fiscal years not previously reported, including payments by the participants, the United States, and the District of Columbia.

(3) The following information applicable to the fiscal year for which the report is filed:

(A) The amounts determined under section 142(a)(1).

(B) The accrued liabilities.

(C) An identification of benefits not included in the calculation.

(D) A statement of the other facts and actuarial assumptions and methods used to determine costs

(E) A justification for any change in actuarial assumptions or cost methods.

(4) The number of participants and beneficiaries covered by the retirement program.

(5) A certification of the amount of the payments to the Fund necessary to reduce the accumulated funding deficiency to zero.

(6) A statement by the enrolled actuary of any change in actuarial assumptions made with respect to the Fund during the year.

(7) A statement by the enrolled actuary of the estimated current value of vested benefits under the retirement program.

(8) A statement by the enrolled actuary that to the best of his knowledge the report is complete and accurate.

(9) A copy of the opinion required by subsection (a)(4).

(10) Such other information regarding the retirement program as the Council may by regulation require.

(11) Such other information as the enrolled actuary may determine is necessary to fully and fairly disclose the actuarial position of the Fund.

Actuarial valuation of fund.

The actuary shall make an actuarial valuation of the Fund for every third fiscal year, unless he determines that a more frequent valuation is necessary to support his opinion under subsection (a)(4) of this section.

(e) A report under this section for a fiscal year shall include a statement prepared by the Board of—

(1) the relative riskiness of the investments during the fiscal year of the assets of the Fund;

(2) a comparison of the average return on the investments of the Fund during the year with the average return on the

investments of other public pension funds during the year that have comparable asset valuation; and

(3) the average daily balance of, and the average rate earned by, assets of the Fund in each of any time or demand deposits during the year.

(f) If some or all of the benefits under the retirement program are purchased from and guaranteed by an insurance company, insurance service, or other similar organization, a report under this section shall include a statement from such insurance company, service, or other similar organization covering the fiscal year and enumerating—

(1) the premium rate or subscription charge and the total premium or subscription charges paid to each such carrier, insurance service, or other similar organization and the approximate number of persons covered by each class of such benefits; and

(2) the total amount of premiums received, the approximate number of persons covered by each class of benefits, and the total claims paid by such company, service, or other organization; dividends or retroactive rate adjustments, commissions, and administrative service or other fees or other specific acquisition costs paid by such company, service, or other organization; any amounts held to provide benefits after retirement; the remainder of such premiums; and the names and addresses of the brokers, agents, or other persons to whom commissions or fees were paid, the amount paid to each, and for what purpose.

If any such company, service, or other organization does not maintain separate experience records covering the specific groups it serves, the report shall include, in lieu of the information required by paragraph (2), a statement as to the basis of its premium rate or subscription charge, the total amount of premiums or subscription charges received from the Fund, and a copy of the financial report of the company, service, or other organization and, if such company, service, or organization incurs specific costs in connection with the acquisition or retention of any particular Fund or Funds, a detailed statement of such costs.

RETIREMENT PROGRAM SUMMARY DESCRIPTION

SEC. 163. (a)(1) A summary description of each retirement program to which this Act applies shall be furnished to participants and beneficiaries as provided in section 164(b). The summary description shall include the information specified in subsection (b) of this section, shall be written in a manner calculated to be understood by the average participant or beneficiary, and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of their rights and obligations under the retirement program.

(2) A summary of any material modification in the terms of the retirement program and any change in the information required under subsection (b), written in a manner calculated to be understood by the average participant or beneficiary, shall be furnished in accordance with section 164(b)(1).

(b) Each summary description of a retirement program shall contain the following information: The name and type of administration of the retirement program; the name and address of the chairman of the Board, who shall be the agent of the Board for the service of legal process; the name, title, and address of each member of the Board; a description of the relevant provisions of applicable collective-bargaining agreements; the retirement program's requirements respecting eligibility for participation and benefits; a description of the provisions providing for nonforfeitable pension benefits; circumstances which may result in disqualification, ineligibility, or denial or loss of benefits; the identity of any organization through which benefits are provided; the procedures to be followed in presenting claims for benefits under the retirement program; and the remedies available under the retirement program for the redress of claims that are denied in whole or in part.

FILING REPORTS AND FURNISHING INFORMATION TO PARTICIPANTS

Sec. 164. (a)(1) The Board shall file with the Mayor, the Council, the Speaker, and the President pro tempore—

(A) the annual reports for a fiscal year within two hundred and ten days after the end of such year;

(B) a copy of each summary description of a retirement program within one year after the date of the enactment of this Act; and

(C) a revised summary description of a retirement program, incorporating any material modification in the terms of the retirement program, within sixty days after such modification is adopted or occurs.

The Mayor shall make copies of such retirement program descriptions and annual reports available for public inspection in an appropriate location. The Board shall also furnish to the Mayor, the Council, the Speaker, and the President pro tempore, upon request, any documents relating to the retirement program or the Fund, including any bargaining agreement, trust agreement, contract, or other instrument under which the retirement program or Fund is operated.

(2)(A) The Mayor or the Council may reject any filing under this section within thirty days of such filing—

(i) upon determining that such filing is incomplete for purposes of this part; or

(ii) upon determining that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

(B) If the Mayor or the Council rejects a filing of a report under subparagraph (A), and if a revised filing satisfactory to the Mayor or the Council is not submitted within forty-five days after the determination under subparagraph (A) to reject the filing is made, and if the Mayor or the Council considers it in the best interest of the participants, then the Mayor or the Council may take any one or more of the following actions:

(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

(iii) Bring a civil action for such legal or equitable relief as may be appropriate to enforce the provisions of this title.

The Board shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund are necessary for such audit.

(3)(A) Either House of Congress may reject any filing under this section within thirty days of such filing by adopting a resolution stating that such House has determined—

(i) that such filing is incomplete for purposes of this part; or

(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

(B) If either House of Congress rejects a report under subparagraph (A) and if either a revised filing is not submitted within forty-five days after adoption of the resolution under subparagraph (A) rejecting the initial filing or such revised filing is rejected by either House of Congress by adoption of a resolution within thirty days after submission of the revised filing, then either House of Congress may, if it deems it in the best interests of the participants, take any one or more of the following actions:

(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audit or preparing such statement.

(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subparagraph, a filing is unacceptable if, within thirty days of its submission, either House of Congress adopts a resolution disapproving such filing.

(b) Publication of the summary retirement program descriptions and annual reports shall be made to participants and beneficiaries as follows:

(1) The Board shall furnish to each participant, and to each beneficiary receiving benefits under the retirement program, a copy of the summary retirement program description and all modifications and changes referred to in section 163(a) within ninety days after he becomes a participant or in the case of a beneficiary, within ninety days after he first receives benefits. The Board shall furnish to each participant, and to each beneficiary receiving benefits under the retirement program, every fifth year an updated summary retirement program description described in section 163 which integrates all retirement program amendments made within such five-year period, except that in a case where no amendments have been made to a retirement program during such five-year period this sentence shall not apply. Notwithstanding the foregoing sentence, the Board shall furnish to each participant, and to each beneficiary receiving benefits under the retirement program, the summary retirement program description described in section 163 every tenth year. If there is a modification or change described in section 163(a), a summary description of such modification or change shall be furnished to each participant and to each beneficiary who is receiving benefits under the retirement program not later than two hundred and ten days after the end of the fiscal year in which the change is adopted.

(2) The Board shall make copies of the latest annual report and of any bargaining agreement, trust agreement, contract, or other instruments under which the retirement program or the Fund is operated available for examination by any participant or beneficiary in the principal office of the Board and in such other places as may be necessary to make available all pertinent information

to all participants (including such places as the Council may by regulation prescribe).

(3) Within two hundred and ten days after the close of the fiscal year, the Board shall furnish to each participant, and to each beneficiary receiving benefits under the retirement program, a copy of the statements and schedules described in subparagraphs (A) and (B) of section 162(b)(2) for such fiscal year and such other material as is necessary to fairly summarize the latest annual report.

(4) The Board shall, upon written request of any participant or beneficiary, furnish a copy of the latest updated summary retirement program description, the latest annual report, and any bargaining agreement, trust agreement, contract, or other instruments under which the retirement program or Fund is operated. The Board may make a reasonable charge to cover the cost of furnishing such copies. The Council may by regulation prescribe the maximum amount that will constitute a reasonable charge under the preceding sentence.

(c) The Council may by regulation require that the Board furnish to each participant and to each beneficiary receiving benefits under a retirement program a statement of the rights of participants and beneficiaries under this title.

REPORTING OF PARTICIPANTS' BENEFIT RIGHTS

SEC. 165. (a) The Board shall furnish to any participant or beneficiary who so requests in writing, a statement indicating, on the basis of the latest available information—

(1) the total benefits accrued, and

(2) the nonforfeitable retirement benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable.

(b) A participant or beneficiary is not entitled to receive more than one report under subsection (a) during any twelve-month period.

PUBLIC INFORMATION

SEC. 166. (a) Except as provided in subsection (b), the contents of the descriptions, annual reports, statements, and other documents filed with the Mayor, the Council, the Speaker, and the President pro tempore pursuant to this part shall be public information, and the Mayor, the Council, the Speaker, and the President pro tempore shall each make such documents available for inspection in an appropriate location. The Mayor, the Council, the Speaker, and the President pro tempore may use the information and data in such documents for statistical and research purposes and may compile and publish such studies, analyses, reports, and surveys based thereon as may be considered appropriate.

Information disclosure.

(b) Information described in section 165(a) with respect to a participant or beneficiary of a retirement program may be disclosed only to the extent that information respecting that participant's or beneficiary's benefits under title II of the Social Security Act may be disclosed under such Act.

42 USC 401.

(c) Except to the extent that information which is protected from public disclosure under subsection (b), or which relates to personnel matters the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, is involved, all meetings of the Board shall be open to the public.

RETENTION OF RECORDS

SEC. 167. The Board shall maintain records on the matters required to be disclosed by this title which will provide in sufficient detail the necessary basic information and data from which the required documents may be verified, explained, or clarified, and checked for accuracy and completeness, shall include vouchers, worksheets, receipts, and applicable resolutions in such records, and shall keep such records available for examination for a period of not less than six years after the filing date of the documents based on the information which they contain. Except to the extent that information is involved which is protected from public disclosure under section 166(b), all such records shall be available for inspection by the public.

ADDITIONAL INFORMATION

SEC. 168. (a) In addition to the information specifically required to be furnished by this part, the Board shall furnish promptly such additional information as the Mayor, the Council, the Speaker, or the President pro tempore may request.

Regulations. (b) The Board shall, at regular intervals to be determined by the Board, compile and publish all regulations then in effect which were issued by the Board or the Council under this title.

CRIMINAL PENALTIES

SEC. 169. Whoever willfully violates any provision of this part (other than sections 165 and 168), or any regulation or order issued under any such provision, shall be fined not more than $5,000 or imprisoned not more than one year, or both, except that in the case of such a violation by a person not an individual, such person shall be fined not more than $100,000.

PART E—FIDUCIARY RESPONSIBILITY; CIVIL SANCTIONS

FIDUCIARY RESPONSIBILITIES

SEC. 181. (a)(1) The Board and each member of the Board shall discharge responsibilities with respect to a Fund as a fiduciary with respect to such Fund. The Board may designate one or more other persons who exercise responsibilities with respect to a Fund to exercise such responsibilities as a fiduciary with respect to such Fund. The Board shall retain such fiduciary responsibility for the exercise of careful, skillful, prudent, and diligent oversight of any person so designated as would be exercised by a prudent individual acting in a like capacity and familiar with such matters under like circumstances.

(2) A fiduciary shall discharge his duties with respect to a Fund solely in the interest of the participants and beneficiaries and—

(A) for the exclusive purpose of providing benefits to participants and their beneficiaries;

(B) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent individual acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(C) by diversifying the investments of the Fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(D) in accordance with the provisions of law, documents, and instruments governing the retirement program to the extent that such documents and instruments are consistent with the provisions of this title.

(b) In addition to any liability which he may have under any other provision of this part, a fiduciary with respect to a Fund shall be liable for a breach of fiduciary responsibility of another fiduciary with respect to the same Fund—

(1) if he knowingly participates in, or knowingly undertakes to conceal, an act or omission of such other fiduciary, knowing such act or omission is a breach of fiduciary responsibility;

(2) if, by his failure to comply with subsection (a)(2) in the administration of his specific responsibilities which give rise to his status as a fiduciary, he has enabled such other fiduciary to commit a breach of fiduciary responsibility; or

(3) if he has knowledge of a breach of fiduciary responsibility by such other fiduciary, unless he makes reasonable efforts under the circumstances to remedy the breach.

Prohibitions.

(c) Except as provided in subsection (f), a fiduciary with respect to a Fund shall not cause the Fund to engage in a transaction, if he knows or should know that such transaction constitutes a direct or indirect—

(1) sale or exchange, or leasing, of any property between the Fund and a party in interest;

(2) lending of money or other extension of credit between the Fund and a party in interest;

(3) furnishing of goods, services, or facilities between the Fund and a party in interest; or

(4) transfer to, or use by or for the benefit of, a party in interest, of any assets of the Fund.

(d) A fiduciary with respect to a Fund shall not—

(1) deal with the assets of the Fund in his own interest or for his own account;

(2) in his individual or in any other capacity act in any transaction involving the Fund on behalf of a party (or represent a party) whose interests are adverse to the interests of the Fund or the interests of its participants or beneficiaries; or

(3) receive any consideration for his own personal account from any party dealing with such Fund in connection with a transaction involving the assets of the Fund.

Real or personal property, transfer.

(e) A transfer of real or personal property by a party in interest to a Fund shall be treated as a sale or exchange if the property is subject to a mortgage or similar lien which the Fund assumes or if it is subject to a mortgage or similar lien which a party in interest placed on the property within the ten-year period ending on the date of the transfer.

Prohibitions, nonapplicability.

(f) The prohibitions provided in subsection (c) shall not apply to any of the following transactions:

(1) Contracting or making reasonable arrangements with a party in interest for office space, or legal, accounting, or other services necessary for the establishment or operation of the Fund, if no more than reasonable compensation is paid therefor.

(2) The investment of all or part of a Fund's assets in deposits which bear a reasonable interest rate in a bank or similar financial institution supervised by the United States or a State, if such bank or other institution is a fiduciary of such Fund and if such investment is expressly authorized by regulations of the Board or by a fiduciary (other than such bank or institution or

affiliate thereof) who is expressly empowered by the Board to make such investment.

(3) The providing of any ancillary service by a bank or similar financial institution supervised by the United States or a State if such bank or other institution is a fiduciary of such Fund and if—

(A) such bank or similar financial institution has adopted adequate internal safeguards which assure that the providing of such ancillary service is consistent with sound banking and financial practice, as determined by Federal or State supervisory authority, and

(B) the extent to which such ancillary service is provided is subject to specific guidelines issued by such bank or similar financial institution (as determined by the Mayor after consultation with Federal and State supervisory authority), and adherence to such guidelines would reasonably preclude such bank or similar financial institution from providing such ancillary service (i) in an excessive or unreasonable manner, and (ii) in a manner that would be inconsistent with the best interests of participants and beneficiaries of the retirement program.

Such ancillary services shall not be provided at more than reasonable compensation.

(4) The exercise of a privilege to convert securities, to the extent provided in regulations of the Council, but only if the Fund receives no less than adequate consideration pursuant to such conversion.

(5) Any transaction between a Fund and a common or collective trust fund or pooled investment fund maintained by a party in interest which is a bank or trust company supervised by a State or Federal agency, or a pooled investment fund of an insurance company qualified to do business in a State, if—

(A) the transaction is a sale or purchase of an interest in the Fund;

(B) the bank, trust company, or insurance company receives not more than reasonable compensation; and

(C) such transaction is expressly permitted by the Board, or by a fiduciary (other than the bank, trust company, insurance company, or an affiliate thereof) who has authority to manage and control the assets of the Fund.

(g) Nothing in subsection (c) shall be construed to prohibit any fiduciary from—

(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the retirement program, so long as the benefit is computed and paid on a basis which is consistent with the terms of the retirement program as applied to all other participants and beneficiaries;

(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with respect to the Fund; or

(3) serving as a fiduciary in addition to being an officer, employee, agent, or other representative of a party in interest.

LIABILITY FOR BREACH OF FIDUCIARY DUTY

SEC. 182. (a) Any person who is a fiduciary with respect to a Fund who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title shall be personally liable to make good to such Fund any losses to the Fund resulting from each such breach and to restore to such Fund any profits of such fiduciary which have been made through the use of assets of the Fund by the fiduciary and shall be subject to such other equitable or remedial relief as the court may deem appropriate, including removal of such fiduciary.

(b) No fiduciary shall be liable with respect to a breach of fiduciary duty under this title if such breach was committed before he became a fiduciary or after he ceased to be a fiduciary.

EXCULPATORY PROVISIONS; INSURANCE

SEC. 183. (a) Any provision in an agreement or instrument which purports to relieve a fiduciary from responsibility or liability for any responsibility, obligation, or duty under this part shall be void as against public policy.

(b) Nothing in this subpart shall preclude—

(1) the Board from purchasing insurance for its fiduciaries or for itself to cover liability or losses occurring by reason of the act or omission of a fiduciary, if such insurance permits recourse by the insurer against the fiduciary in the case of a breach of a fiduciary obligation by such fiduciary;

(2) a fiduciary from purchasing insurance to cover liability under this part from and for his own account; or

(3) an employee organization from purchasing insurance to cover potential liability of one or more persons who serve in a fiduciary capacity with regard to the Fund from which the annuities and other retirement and disability benefits of the members of such employee organization are paid.

PROHIBITION AGAINST CERTAIN PERSONS HOLDING CERTAIN POSITIONS

SEC. 184. (a) No person who has been convicted of, or has been imprisoned as a result of his conviction of, robbery, bribery, extortion, embezzlement, fraud, grand larceny, burglary, arson, a felony violation of Federal or State law involving substances defined in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, murder, rape, kidnapping, perjury, assault with intent to kill, any crime described in section 9(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a)(1)), a violation of any provision of this Act, a violation of section 302 of the Labor-Management Relations Act, 1947 (29 U.S.C. 186), a violation of chapter 63 of title 18, United States Code, a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of title 18, United States Code, a violation of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401), or conspiracy to commit any such crime or attempt to commit any such crime, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

21 USC 802.

18 USC 1341 *et seq.*

29 USC 401 note.

(1) as a fiduciary, investment counsel, agent, or employee of any Fund established by this title; or

(2) as a consultant to any Fund established by this title;

during or for five years after such conviction or after the end of such imprisonment, whichever is the later, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in paragraph (1) or (2) would not be contrary to the purposes of this title. Prior to making any such determination the Board of Parole shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board of Parole's determination in any such proceeding shall be final. No person shall knowingly permit any other person to serve in any capacity referred to in paragraph (1) or (2) in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee, of any Fund established by this title, or as a consultant to any Fund established by this title, without a notice, hearing, and determination by such Board of Parole that such service would be inconsistent with the intention of this section.

(b) Whoever willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

Definitions.

(c) For the purposes of this section:

(1) A person shall be deemed to have been "convicted" and to be under the disability of "conviction" from the date of entry of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event.

(2) The term "consultant" means any person who, for compensation, advises or represents a Fund or who provides other assistance to such Fund concerning the operation of such Fund.

(3) A period of parole shall not be considered as part of a period of imprisonment.

BONDING

"Fund official."

SEC. 185. (a)(1) Each fiduciary of a Fund established by this title and each person who handles funds or other property of such a Fund (hereinafter in this section referred to as "Fund official") shall be bonded as provided in this section, except that no bond shall be required of a fiduciary (or of any director, officer, or employee of such fiduciary) if such fiduciary—

(A) is a corporation organized and doing business under the laws of the United States or of any State;

(B) is authorized under such laws to exercise trust powers or to conduct an insurance business;

(C) is subject to supervision or examination by Federal or State authority; and

(D) has at all times a combined capital and surplus in excess of such a minimum amount as may be established by regulations issued by the Council, which amount shall be at least $1,000,000.

Subparagraph (D) shall apply to a bank or other financial institution which is authorized to exercise trust powers and the deposits of which are not insured by the Federal Deposit Insurance Corporation only if such bank or institution meets bonding or similar requirements under State law which the Council determines are at least equivalent to those imposed on banks by Federal law.

(2)(A) The amount of such bond shall be the lesser of 10 percent of the amount of the funds handled by such fiduciary and $500,000, except that the amount of such bond shall be at least $1,000.

Waiver.

(B) The Mayor, after notice and opportunity for hearing to such fiduciary and all other parties in interest to such Fund, may waive the $500,000 limit.

(C) The amount of such bond shall be set at the beginning of each fiscal year.

(3) For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the funds handled by the

person, group, or class to be covered by such bond and by the predecessor or predecessors, if any, during the preceding reporting year, or if the Fund has no preceding reporting year under this title, the amount of funds to be handled during the current reporting year by such person, group, or class, estimated as provided in regulations to be prescribed by the Council.

(4) Such bond shall provide protection to the Fund against loss by reason of acts of fraud or dishonesty on the part of the Fund official, directly or through connivance with others.

(5) Any bond shall have as surety thereon a corporate surety company which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury pursuant to sections 6 through 13 of title 6, United States Code. Any bond shall be in a form or of a type approved by the Council, including individual bonds or schedule or blanket forms of bonds which cover a group or class.

(b) It shall be unlawful for any Fund official to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of any Fund without being bonded as required by subsection (a), and it shall be unlawful for any Fund official or any other person having authority to direct the performance of such functions to permit such functions, or any of them, to be performed by any Fund official with respect to whom the requirements of subsection (a) have not been met.

(c) It shall be unlawful for any person to procure any bond required by subsection (a) from any surety or other company or through any agent or broker in whose business operations the Fund or any party in interest in the Fund has any control or significant financial interest, direct or indirect.

(d) Nothing in any other provision of law shall require any person required to be bonded as provided in subsection (a) because he handles funds or other property of a Fund to be bonded insofar as the handling by such person of the funds or other property of such Fund is concerned.

(e) The Council shall prescribe such regulations as may be necessary to carry out the provisions of this section.

LIMITATION ON ACTIONS

SEC. 186. (a) No action may be commenced under this title with respect to a fiduciary's breach of any responsibility, duty, or obligation under this part, or with respect to a violation of this part, after the earlier of—

(1) six years after (A) the date of the last action which constituted a part of the breach or violation, or (B) in the case of an omission, the latest date on which the fiduciary could have cured the breach or violation; or

(2) three years after the earliest date (A) on which the plaintiff had actual knowledge of the breach or violation, or (B) on which a report from which he could reasonably be expected to have obtained knowledge of such breach or violation was filed with the Mayor, the Council, the Speaker, or the President pro tempore under this title;

except that in the case of fraud or concealment, such an action may be commenced not later than six years after the date of discovery of such breach or violation.

CIVIL ENFORCEMENT

SEC. 187. (a) A civil action may be brought—

(1) by a participant or beneficiary—

(A) for the relief provided for in subsection (b) of this section, or

(B) to recover benefits due to him under the terms of his retirement program, to enforce his rights under the terms of the retirement program, or to clarify his rights to future benefits under the terms of the retirement program;

(2) by a participant or beneficiary or the District of Columbia for appropriate relief under section 182; or

(3) by a participant or beneficiary or the District of Columbia (A) to enjoin any act or practice which violates any provision of this title or the terms of a retirement program, or (B) to obtain other appropriate equitable relief (i) to redress any such violation, or (ii) to enforce any provision of this title or the terms of a retirement program.

Penalty.

(b) If the Board fails or refuses to comply with a request for any information which the Board is required by this title to furnish to a participant or beneficiary (unless such failure or refusal results from matters reasonably beyond the control of the Board) by mailing the information requested to the last known address of the requesting participant or beneficiary within thirty days after such request, then the Board may, in the court's discretion, be liable to such participant or beneficiary in an amount of up to $100 a day from the date of such failure or refusal, and the court may order the Board to provide the required information and may in its discretion order such other relief as it considers proper.

(c) The Board may sue and be sued under this title as an entity. Service of summons, subpena, or other legal process of a court upon the chairman of the Board in his capacity as such shall constitute service upon the Board.

(d) In any action under this title by a participant, beneficiary, or fiduciary, the court in its discretion may allow a reasonable attorney's fee and costs of action to either party.

CLAIMS PROCEDURE

SEC. 188. In accordance with regulations of the Council, the Mayor shall provide to any participant or beneficiary who has a claim for benefits under a retirement program denied—

(1) adequate written notice of such denial, setting forth the specific reasons for such denial in a manner calculated to be understood by such participant or beneficiary; and

(2) a reasonable opportunity for a full and fair review of the decision denying such claim.

TITLE II—CHANGES IN RETIREMENT BENEFITS

PART A—POLICE OFFICERS AND FIRE FIGHTERS' RETIREMENT BENEFITS

SALARY BASE PERIOD FOR COMPUTATION OF ANNUITY

SEC. 201. Paragraph (17) of subsection (a) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-521(17)) is amended—

(1) by striking out "twelve consecutive months of police or fire service," and inserting in lieu thereof "thirty-six consecutive months of police or fire service in the case of a member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia and who first becomes such a member after the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, or over any twelve consecutive months of police or fire service in the case of any other member,"; and

Ante, p. 866.

(2) by inserting "or thirty-six consecutive months, as the case may be," immediately after "twelve consecutive months" the second place it appears.

CREDITABLE SERVICE FOR FULL-TIME OFFICIALS OF EMPLOYEE ORGANIZATIONS

SEC. 202. (a) Subsection (c) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-523) is amended by redesignating paragraphs (6) and (7) of such subsection as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6)(A) Any period of time during which a member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia is on approved leave without pay to serve as a full-time officer or employee of a labor organization shall be considered to be police or fire service for purposes of this section if such member files an election in accordance with subparagraph (B) and makes payments as described in subparagraph (C). The basic salary in effect at any time for the grade in which a member was serving at the time he entered on approved leave described in the preceding sentence shall be considered to be the basic salary in effect for such member for purposes of this section if the period of time when such member is on approved leave is considered to be police or fire service under this paragraph.

"(B) To be eligible to have any period of approved leave described in subparagraph (A) considered to be police or fire service for purposes of this section, a member described in such subparagraph must, not later than the end of the sixty-day period commencing on the day such member enters on such approved leave or the effective date of this paragraph, whichever occurs later, file an election with the Mayor to have such period of approved leave considered to be police or fire service for purposes of this section.

"(C)(i) To have any period of approved leave described in subparagraph (A) occurring after the effective date of this section considered to be police or fire service, a member described in such subparagraph must each month deposit with the Custodian of Retirement Funds (as defined in section 102(c) of the District of Columbia Retirement Reform Act) for deposit in the District of Columbia Police Officers and Fire Fighters' Retirement Fund established by section 122(a) of such Act a sum equal to one-twelfth the annual new-entrant normal cost of the annuity of a member receiving the basic salary in effect during such month for the grade in which such member was serving at the time such member entered on such leave.

Ante, p. 868.

Ante, p. 872.

"(ii) To have any period of approved leave described in subparagraph (A) which occurred before the effective date of this section considered to be police or fire service, a member described in such subparagraph must deposit with the Custodian of Retirement Funds (as defined in section 102(c) of the District of Columbia Retirement Reform Act) for deposit in the District of Columbia Police Officers

Ante, p. 872.

and Fire Fighters' Retirement Fund established by section 122(a) of such Act, in a manner to be determined by the Mayor, a sum equal to the new-entrant normal cost of the annuity of a member receiving the basic salary in effect during the period of such leave for the grade in which such member was serving at the time such member entered on such leave.

"(iii) The Mayor shall make an annual determination of the new-entrant normal cost for purposes of clauses (i) and (ii) according to information supplied by the actuary retained pursuant to section 142 of the District of Columbia Retirement Reform Act.

Ante, p. 877.

"Employee organization."

"(D) For purposes of this paragraph, the term 'employee organization' means any organization of any kind, or any agency or employer representation committee or plan, in which members or officers of the Metropolitan Police force or the Fire Department of the District of Columbia participate and which exists for the purpose, in whole or in part, of dealing with the government of the District of Columbia concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.".

Effective date.

(b) The amendment made by subsection (a) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

REQUIREMENTS FOR OPTIONAL RETIREMENT

SEC. 203. (a) Subsection (h)(1) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-528(1)) is amended—

(1) by striking out "who completes twenty years of police or fire service" and inserting in lieu thereof "who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia and first becomes such a member after the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act and who completes twenty-five years of police or fire service and attains the age of fifty years and any other member (other than a member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia who first becomes such a member after the end of such ninety-day period) who completes twenty years of police or fire service"; and

Ante, p. 866.

(2) by striking out "twenty years: *Provided*" and inserting in lieu thereof "(A) twenty-five years, in the case of a member who becomes a member after the end of such ninety-day period, or (B) twenty years, in the case of any other member: *Provided*".

(b)(1) Paragraph (2) of subsection (h) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-528) is amended by striking out "in subsection (h)," and inserting in lieu thereof "under".

(2) Paragraph (3) of such subsection is amended by striking out "of this subsection (h)".

DISABILITY RETIREMENT

SEC. 204. (a) Subsection (g) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-527) is amended—

(1) in paragraph (2), by striking out "In any case in which the proximate cause of an injury incurred or disease contracted by a member" and inserting in lieu thereof "In any case involving a member who is an officer or member of the United States Park Police force, the Executive Protective Service, or the United

States Secret Service Division, in which the proximate cause of an injury incurred or disease contracted by the member"; and

(2) by adding at the end thereof the following new paragraph:

Reporting of injury.

"(4) A member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia may not retire and receive an annuity under this subsection on the basis of the aggravation in the performance of duty of an injury incurred or a disease contracted in the performance of duty unless—

"(A) in the case of the aggravation of a disease, the disease was reported to the Board of Police and Fire Surgeons within thirty days after the disease was first diagnosed; or

"(B) in the case of the aggravation of an injury, the injury was reported to the Board of Police and Fire Surgeons within seven days after the injury was incurred or, if the member was unable (as determined by such Board) as a result of the injury to report the injury within such seven-day period, within seven days after the member became able (as determined by such Board) to report the injury.

The burden of establishing inability to report an injury in accordance with subparagraph (B) within seven days after such injury was incurred and of establishing that such injury was reported within seven days after the end of such inability shall be on the member claiming such inability. Any report under this paragraph shall include adequate medical documentation. Nothing in this paragraph shall be deemed to alter or affect any administrative regulation or requirement of the Metropolitan Police force or the Fire Department of the District of Columbia with respect to the reporting of an injury incurred or aggravated, or any disease contracted or aggravated, in the performance of duty.".

(b)(1) Subsection (f) of such Act (D.C. Code, sec. 4-526) is amended—

(A) by striking out "Whenever" and inserting in lieu thereof "(1) Except as provided in paragraph (2), whenever"; and

(B) by adding at the end thereof the following new paragraph:

"(2) Whenever any member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia and who first becomes such a member after the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act completes five years of police or fire service and is found by the Mayor to have become disabled due to injury received or disease contracted other than in the performance of duty, which disability precludes further service with his department, such member shall be retired on an annuity which shall be 70 per centum of his basic salary at the time of retirement multiplied by the percentage of disability for such member as determined in accordance with subsection (g)(5)(B)(ii) of this section, except that such annuity shall not be less than 30 per centum of his basic salary at the time of retirement.".

Ante, p. 866.

(2) Subsection (g) of such Act, as amended by subsection (a) of this section, is further amended—

D.C. Code 4-527.

(A) in paragraph (1), by striking out "Whenever" and inserting in lieu thereof "Except as provided in paragraph (5), whenever"; and

(B) by adding at the end thereof the following new paragraph:

Annuity computation.

"(5)(A) Whenever any member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia and who first becomes such a member after the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act is injured or contracts a disease in the performance of duty or such injury or disease is aggravated by such duty at any time after appointment and such injury or disease or aggravation permanently disables him for the performance of duty, he shall upon retirement for such disability, receive an annuity computed in accordance with subparagraph (B).

"(B)(i) In the case of any member who retires under this paragraph or paragraph (2) of subsection (f), the Board of Police and Fire Surgeons shall determine, within a reasonable time and in accordance with regulations which the Mayor shall promulgate, the percentage of impairment for such member and shall report such percentage of impairment to the Police and Firemen's Retirement and Relief Board.

"(ii) In the case of any member described in clause (i), the Police and Firemen's Retirement and Relief Board shall determine within a reasonable time the percentage of disability for such member giving due regard to—

"(I) the nature of the injury or disease,

"(II) the percentage of impairment reported pursuant to clause (i),

"(III) the position in the Metropolitan Police force or the Fire Department of the District of Columbia held by the member immediately prior to his retirement,

"(IV) the age and years of service of the member, and

"(V) any other factors or circumstances which may affect the capacity of the member to earn wages or engage in gainful activity in his disabled condition, including the effect of the disability as it may naturally extend into the future.

"(iii) The percentage of impairment or the percentage of disability for a member to whom this paragraph applies may be redetermined at any time prior to the time such member reaches the age of fifty and his annuity shall be adjusted accordingly.

"(iv) The annuity of a member who is retired under this paragraph shall be 70 per centum of his basic salary at the time of retirement multiplied by the percentage of disability for such member as determined in accordance with clause (ii), except that such annuity shall not be less than 40 per centum of his basic salary at the time of retirement.

"(v) For purposes of this paragraph—

"Impairment."

"(I) the term 'impairment' means any anatomic or functional abnormality or loss existing after maximal medical rehabilitation has been achieved; and

"Disability."

"(II) the term 'disability' means any actual or presumed reduction in or absence of ability to engage in gainful activity which is caused, in whole or in part, by an impairment.".

(c) The amendment made by paragraph (1) of subsection (a) shall not apply with respect to officers and members of the Metropolitan Police force or the Fire Department of the District of Columbia who apply for disability retirement under subsection (g) of the Policemen and Firemen's Retirement and Disability Act prior to the end of the ninety-day period beginning on the date of the enactment of this Act. The amendment made by paragraph (2) of subsection (a) shall not apply with respect to injuries incurred or diseases first diagnosed prior to the end of such ninety-day period.

D.C. Code 4-527.

RECOVERY FROM DISABILITY

SEC. 205. (a)(1) Subsection (j)(1) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-530(1)) is amended in the first sentence by striking out "shall cease" and all that follows in such sentence and inserting in lieu thereof "shall cease—

"(A) upon reemployment in the department from which he was retired,

"(B) forty-five days from the date of the medical examination showing such recovery,

"(C) forty-five days from the date of the determination that he is so restored, or

"(D) in the case of an annuitant who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia and who first became such a member after the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, upon a refusal by such annuitant to accept an offer of reemployment in the department from which he was retired at the same grade or rank as he held at the time of his retirement,

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whichever is earliest.".

D.C. Code 4-530.

(2)(A) Such subsection (j)(1) is amended in the second sentence by striking out "in each of two succeeding calendar years" and inserting in lieu thereof ", in each of two succeeding calendar years in the case of an annuitant who was an officer or member of the United States Park Police force, Executive Protection Service, or the United States Secret Service Division, or in any calendar year in the case of an annuitant who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia,".

(B) Subsection (j) of such Act is further amended by adding at the end thereof the following new paragraph:

Annuity reduction, conditions. D.C. Code 4-526, 4-527.

"(3)(A) If any annuitant who is retired under subsection (f) or (g), who prior to such retirement was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia, and who first became such a member after the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, receives, directly or indirectly, income from wages or self-employment, or both, in any calendar year after the calendar year in which he retired—

"(i) in an amount in excess of the difference between 70 per centum of the current earnings limitation and the amount of annuity payable to such annuitant during such year under each such subsection prior to the reductions provided for in this paragraph, then (except as provided in subparagraph (D)) the annuity of such annuitant shall be reduced by 50 cents for each $1 of such income received during such year in excess of such difference; and

"(ii) in an amount in excess of the difference between the current earnings limitation and the amount of annuity payable to such annuitant during such year under each such subsection prior to the reductions provided for in this paragraph, then (except as provided in subparagraph (D)) the annuity of such annuitant shall be further reduced by 20 cents for each $1 of such income received during such year in excess of such difference.

"Current earnings limitation."

"(B) For the purposes of subparagraph (A), the term 'current earnings limitation', with respect to an annuitant, means the greater of—

"(i) the current annual salary for the position which such annuitant held immediately prior to the retirement of such annuitant; or

"(ii) the current entry level salary for active officers and members, divided by .7.

"(C) The reductions provided for in subparagraph (A) shall be made as follows:

"(i) Such reductions shall be pro rated over a period of twelve consecutive months, with equal amounts withheld from each payment of annuity during such twelve-month period.

"(ii) The twelve-month period during which such reduction is made shall begin as soon after the end of the calendar year involved as is administratively practicable (as determined in accordance with regulations which the Mayor of the District of Columbia shall promulgate).

"(D) If the Mayor of the District of Columbia determines that the level of income of an annuitant whose annuity would otherwise be reduced in accordance with subparagraph (A) has decreased significantly (other than in accordance with normal income fluctuations for such annuitant) during the period in which such reduction would occur, the Mayor may authorize the withholding during such period, or any portion thereof, of such lesser amount than the amount prescribed in such subparagraph as the Mayor considers appropriate or the Mayor may waive the requirements of subparagraph (A) if he finds that circumstances justify such waiver.

Notarized income statement. D.C. Code 4-526, 4-527.

"(E)(i) Any annuitant who is retired under subsection (f) or (g) and who prior to such retirement was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia shall, at such times as the Mayor of the District of Columbia shall by regulation prescribe, submit to the Mayor a notarized statement containing such information as the Mayor shall by regulation require with respect to the income received by such annuitant from wages or self-employment, or both. After examining such statement, the Mayor may require such annuitant to submit to the Mayor a further notarized statement containing such additional information with respect to the income received by such annuitant from wages or self-employment, or both, as the Mayor deems appropriate.

Penalties.

"(ii) Any annuitant described in clause (i) who willfully furnishes materially false information with respect to his income in any statement required to be submitted under such clause shall forfeit all rights to his disability annuity. Any such annuitant who refuses or otherwise willfully fails to timely submit such statement as required by this subsection, payment of the annuity to such annuitant shall cease and such annuitant shall not be eligible to receive such annuity or part thereof for the period beginning on the date after the final day for timely filing of such statement and ending on the date on which the Mayor receives such statement. Nothing in this clause shall affect any rights to a survivor's annuity under subsection (k) based upon the service of such annuitant.".

D.C. Code 4-531.

(b) Subsection (m)(2) of such Act (D.C. Code, sec. 4-533(2)) is amended—

(1) by inserting "(A)" before "If a member";

(2) by striking out the last sentence of such subsection and adding after "is based." the following: "The Commissioner shall not require employment questionnaires under subsection (j)(3)(C) or the medical examination of such member under subparagraph (B) after such member reaches the age of fifty."; and

D.C. Code 4-530.

(3) by adding at the end of such subsection the following:

Medical examination requirement.

"(B) The Mayor shall, by regulation, require any annuitant who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia and who retired before, on, or after the date of the enactment of the District of Columbia Retirement Reform Act under subsection (f) or (g) of this section to undergo, during each twelve-month period following the effective date of this subparagraph, at least onc medical examination of the disability

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upon which the annuitant's retirement under subsection (f) or (g) is based. No such annuitant shall be required under such regulations to undergo a medical examination during any such twelve-month period during which the annuitant was required to undergo a medical examination under this subsection in connection with such annuitant's employment. Such annual examination shall be carried out by the Board of Police and Fire Surgeons or by a physician designated by the Board.

D.C. Code 4-526, 4-527.

"(C) Such regulations shall further provide for notification by the Board of Police and Fire Surgeons to each such annuitant as to the time and place for such examination and the consequences of failure to appear and submit to such examination.

Exception.

"(D) In any case in which the requirement to undergo a medical examination under this section would impose on an annuitant an undue hardship because of the physical or mental condition of such annuitant, the Mayor, by regulation, shall provide other means sufficient to determine the continuance of the disability on which such annuitant's retirement under subsection (f) or (g) is based.

"(E) Such regulations shall further provide that, in any case involving any such member so retired who refuses or otherwise fails to undergo any medical exam required by this section, payment of the annuity to such member shall cease and such member shall not be eligible to receive such annuity or any part thereof for any period commencing on the day next following the day on which such member was required to undergo such examination, and ending on the date on which such member undergoes such examination. Nothing in this paragraph shall be construed as affecting any rights to a survivor's annuity under subsection (k) based upon the service of such member.".

D.C. Code 4-531.

Effective date.

(c) The amendments made by subsections (a) and (b) shall take effect at the end of the ninety-day period beginning on the date of enactment of this Act. The amendment made by paragraph (2)(B) of subsection (a) shall apply with respect to income from wages or self-employment, or both, received directly or indirectly during calendar year 1979 or the calendar year after the year in which the member retires, whichever is later, and any calendar year thereafter.

SURVIVORS' ANNUITIES

Sec. 206. (a)(1) Subsection (k) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-531) is amended—

(A) in paragraph (2)—

(i) by inserting "(A)" immediately after "40 per centum" the second place it appears, and

(ii) by striking out "computed," and inserting in lieu thereof "computed in the case of a member who was an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division, or (B) of the adjusted average pay of such former member in the case of a member who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia;"; and

(B) by amending paragraph (3) to read as follows:

"(3) Each surviving child or student-child of any member who dies before retirement, or of any former member who dies after retirement, shall be entitled to receive an annuity equal to the smallest of—

"(A) in the case of a member or former member who is survived by a wife or husband—

"(i) 60 per centum of—

"(I) the member's average pay at the time of death, or

"(II) the basis upon which the former member's annuity at the time of death was computed in the case of a member who was an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division, or the adjusted average pay of the former member in the case of a member who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia,

divided by the number of eligible children;

"(ii) $1,548; or

"(iii) $4,644 divided by the number of eligible children; and

"(B) in the case of a member or former member who is not survived by a wife or husband—

"(i) 75 per centum of—

"(I) the member's average pay at the time of death, or

"(II) the basis upon which the former member's annuity at the time of death was computed in the case of a member who was an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division, or the adjusted average pay of the former member in the case of a member who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia,

divided by the number of eligible children;

"(ii) $1,860; or

"(iii) $5,580 divided by the number of eligible children.".

(2) Subsection (a) of such Act (D.C. Code, sec. 4-521) is amended—

(A) by striking out the period at the end of paragraph (4) of such subsection and inserting in lieu thereof the following: ", in the case of a member who was an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division, or the surviving husband of a member or former member who was a member or officer of the Metropolitan Police force or the Fire Department of the District of Columbia if—

"(A) he was married to such member or former member (i) while she was a member, or (ii) for at least one year immediately preceding her death, or

"(B) he is the father of issue by such marriage."; and

(B) by inserting the following new paragraph immediately after paragraph (17):

"Adjusted average pay."

"(18) The term 'adjusted average pay' means the average pay of a member who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia increased by the per centum increase (adjusted to the nearest one-tenth of 1 per centum in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, between the month in which such member retires and the month immediately prior to the month in which such member dies.".

Effective date.

D.C. Code 4-521 note.

(b) The amendments made by subsection (a) shall apply with respect to survivor annuities under the Policemen and Firemen's Retirement and Disability Act for survivors of officers or members of the Metropolitan Police force or the Fire Department of the District of Columbia which commence on or after the first day of the first month which begins after the end of the ninety-day period beginning on the date of enactment of this Act.

DEFERRED ANNUITIES

D.C. Code 4-521 note.

SEC. 207. (a)(1) The Policemen and Firemen's Retirement and Disability Act is amended—

(A) by redesignating subsections (l) through (r) as subsections (m) through (s), respectively; and

(B) by inserting immediately after subsection (k) the following new subsection:

"DEFERRED ANNUITIES

D.C. Code 4-526, 4-527, 4-528.

Ante, p. 866.

"(l)(1) Except as provided in paragraph (2), any member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia who completes five years of police or fire service and who is thereafter separated from his department, except for retirement under subsection (f), (g), or (h), shall be entitled to an annuity commencing on the first day of the month during which such member attains the age of fifty-five or on the first day of the first month beginning after such member's separation from his department, whichever month occurs later. Such annuity shall be computed at the rate of 2½ per centum of his average pay for each year of service up to twenty years of service and at the rate of 3 per centum of his average pay for each year of service after twenty years of service, or, in the case of a member who first became such a member after the end of the ninety-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, after twenty-five years of service, except that such annuity may not exceed 80 per centum of the average pay of such member.

Refund.

"(2)(A) Any member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia who completes five years of police or fire service and who is thereafter separated from his department (other than a member who retires under subsection (f), (g), or (h)) may elect, at the time of his separation, to receive a refund of the amount of deductions made from his salary under this section. Receipt of such refund by the member shall void all annuity rights under this section.

Annuity rights, reinstatement.

"(B)(i) Any member who, by electing to receive a refund under subparagraph (A), loses annuity rights under this section, may reestablish all such rights at any time prior to attaining the age of fifty-five by redepositing the amount of such refund plus interest computed in accordance with paragraph (3).

"(ii) If any member who receives a refund under subparagraph (A) is subsequently reappointed to any department whose members come under this section and elects, at the time of such reappointment, to redeposit the amount refunded to him under subparagraph (A) plus interest computed in accordance with paragraph (3), then credit shall be allowed under this section for such member's prior period of service. Such redeposit (and the required interest thereon) may, at the election of the member, be made in a lump sum or in not to exceed 60 monthly installments, except that if the member dies before depositing the full amount due under the preceding sentence, the requirements of such sentence shall be deemed to have been met.

Interest.

"(3) The interest which is required by paragraphs (2)(B)(i) and (ii) of this subsection and by paragraph (2)(B) of subsection (d) to be paid by a member who redeposits the amount of previously refunded deductions shall be computed as follows:

"(A) Interest shall be paid at a rate which (as determined by the Mayor of the District of Columbia) is equal to the average rate of return on investment (adjusted to the nearest one-eighth of 1 per centum) for the District of Columbia Police Officers and Fire Fighters' Retirement Fund (established by section 122 of the District of Columbia Retirement Reform Act) for the period beginning on the first day of the first month which begins after the end of the service with respect to which the redeposit is made and ending on the last day of the month which precedes the month during which he redeposits the refund if he makes a lump sum payment or during which he makes the first monthly payment if he makes monthly payments, except that for so much of any such period which precedes October 1, 1981, the average rate of interest on interest-bearing obligations of the United States forming a part of the public debt (adjusted to the nearest one-eighth of 1 per centum) shall be used in determining the interest rate to be paid on redeposits under this section.

Ante, p. 872.

"(B) Interest shall be payable for the period beginning on the first day of the first month which begins after the end of the period of service with respect to which the redeposit is made and ending on the last day of the month which precedes the month during which he redeposits the refund.

"(C) If a member elects to make his redeposit in monthly installments, each monthly payment shall include interest on that portion of the refund which is then being redeposited.".

(2) Subsection (k) of such Act (D.C. Code, 4-531), as amended by section 206 of this Act, is further amended—

(A) in paragraph (2)—

(i) by striking out "or" the first place it appears, and

(ii) by inserting "or of any member entitled to receive an annuity under subsection (l) (regardless of whether such member is receiving such annuity at the time of death)," immediately after "after retirement,";

(B) in paragraph (3)—

(i) by striking out "or" the second place it appears, and

(ii) by inserting "or of any member entitled to receive an annuity under subsection (l) (regardless of whether such member is receiving such annuity at the time of death)," immediately after "after retirement,"; and

(C) in paragraph (6)—

(i) by striking out ", may," in the first sentence and inserting in lieu thereof "may",

(ii) by inserting ", and any member entitled to receive an annuity under subsection (l) of this section may at the time such annuity commences," immediately after "such retirement," in the first sentence,

(iii) by striking out "the retired annuitant's" in the first sentence and inserting in lieu thereof "such member's",

(iv) by striking out "the retiring" in the proviso in the first sentence and inserting in lieu thereof "such",

(v) by striking out "retiring" in the second and fourth sentences,

(vi) by striking out "retirement" in the last sentence and inserting in lieu thereof "election", and

(vii) by striking out "or (h)" in the last sentence and inserting in lieu thereof "(h), or (l), as the case may be".

(b) The amendments made by subsection (a) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

Effective date.

INTEREST ON REFUNDS AND ON DEPOSITS FOR PRIOR SERVICE CREDIT

SEC. 208. (a)(1) Subsection (d) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-524) is amended—

(A) in paragraph (2)—

(i) by striking out "Any member coming under the provisions of this section" and inserting in lieu thereof "(A) any member who is an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division,"; and

(ii) by adding at the end of such paragraph the following new subparagraph:

"(B) Any member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia with less than five years of police or fire service who is separated from his department, except for retirement under subsection (f), (g), or (h), shall be refunded the amount of the deductions made from his salary under this section. The receipt of payment of such deductions by such member shall void all annuity rights under this section, except that if such member is subsequently reappointed to any department whose members come under this section and such member elects, at the time of such reappointment, to redeposit the amount refunded to him pursuant to the preceding sentence plus interest computed in accordance with subsection (l)(3), then credit shall be allowed under this section for the prior period of service. Such redeposit (and the interest required thereon) may be made, at the election of the member, in a lump sum or in not to exceed 60 monthly installments, except that if such member dies before depositing the full amount due under the preceding sentence, the requirements of such sentence shall be deemed to have been met.";

D.C. Code 4-526, 4-527, 4-528.

Ante, p. 909.

(B) in the proviso at the end of paragraph (3), by inserting immediately before the period ", except that if the member was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia, no payment shall be made if no natural person is determined to be entitled thereto"; and

(C) in paragraph (4)—

(i) by striking out "after retirement", and

(ii) in the proviso at the end of such paragraph by inserting ", except that if the member was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia, no payment shall be made if no natural person is determined to be entitled thereto" immediately before the period.

(2) Paragraph (5) of subsection (c) of such Act (D.C. Code, sec. 4-523(5)) is amended to read as follows:

"(5)(A) A member shall be allowed credit for government service performed prior to appointment in any of the departments mentioned in subsection (a)(1) of this section, if such member deposits a sum equal to the entire amount, including interest (if any), refunded to him for such period of government service. A member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia shall deposit such sum, plus interest computed in accordance with subparagraph (B), with the Custodian of Retirement Funds (as defined in section 102(6) of the

D.C. Code 4-521.

Ante, p. 868.

Ante, p. 872.

D.C. Code 4-528.

District of Columbia Retirement Reform Act) for deposit in the District of Columbia Police Officers and Fire Fighters' Retirement Fund established by section 122(a) of such Act. All other members shall deposit such sums with the Mayor of the District of Columbia for credit to the revenues of the District of Columbia. If the member so elects, he may deposit the total amount of such refund in monthly installments not exceeding twenty-four, except that in the case of a member who is an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division, such monthly installments shall be of equal amounts. No deposit shall be required for days of unused sick leave credited under subsection (h) of this section.

Interest computation.

"(B) Interest required on deposits under this paragraph for members who are officers or members of the Metropolitan Police force or the Fire Department of the District of Columbia shall be computed as follows:

"(i) Interest shall be paid at a rate which (as determined by the Mayor of the District of Columbia) is equal to the average rate of return on investment (adjusted to the nearest one-eighth of 1 per centum) for the District of Columbia Police Officers and Fire Fighters' Retirement Fund (established by section 122 of the District of Columbia Retirement Reform Act) for the period beginning on the first day of the first month which begins after the end of the service with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made if he makes a lump-sum payment or during which he makes the first monthly payment if he makes monthly payments, except that for so much of any such period which precedes October 1, 1981, the average rate of interest on interest-bearing obligations of the United States forming a part of the public debt (adjusted to the nearest one-eighth of 1 per centum) shall be used in determining the interest rate to be paid on deposits under this paragraph.

"(ii) Interest shall be payable for the period beginning on the first day of the first month which begins after the end of the period of service with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made.

"(iii) If a member elects to make his deposit in monthly installments, each monthly payment shall include interest on that portion of the refund which is then being redeposited.".

Effective date.

(b) The amendments made by subsection (a) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act. The amendments made by paragraph (2) of subsection (a) shall not apply with respect to deposits made, in whole or in part, prior to the end of such ninety-day period.

COST-OF-LIVING ADJUSTMENTS OF ANNUITIES

D.C. Code 4-521 note.

SEC. 209. (a)(1) The Policemen and Fireman's Retirement and Disability Act is amended—

(A) by redesignating subsections (m) through (s), as redesignated by section 207(a)(1)(A) of this Act, as subsections (n) through (t), respectively; and

Ante, p. 909.

(B) by inserting immediately after subsection (l), as added by the amendment made by section 207(a)(1)(B) of this Act, the following new subsection:

"COST-OF-LIVING ADJUSTMENTS OF ANNUITIES

"(m)(1) Each month the Mayor of the District of Columbia shall determine the per centum change in the price index. On the basis of this determination, and effective the first day of the third month which begins after the price index shall have equaled the rise of at least 3 per centum for three consecutive months over the price index for the base month each annuity payable under this section which—

"(A) is payable to a survivor of a member who was an officer or member of the United States Park Police force, the Executive Protective Service, or the United States Secret Service Division, and

"(B) has a commencing date on or before such effective date,

shall be increased by 1 per centum plus the per centum rise in the price index. For purposes of this paragraph, the term 'base month' means the month for which the price index showed a per centum rise forming the basis for a cost-of-living annuity increase under this paragraph, except that, until the first cost-of-living annuity increase under this paragraph, the base month shall be the last month which was the base month for purposes of subsection (k)(7) before its repeal by section 209(b) of the District of Columbia Retirement Reform Act.

Ante, p. 912.

"(2) With respect to any annuity payable under this section which is payable to a member who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia, or to a survivor of any such member, the Mayor shall—

"(A) on January 1 of each year, or within a reasonable time thereafter, determine the per centum change in the price index published for December of the preceding year over the price index published for June of the preceding year, and

"(B) on July 1 of each year, or within a reasonable time thereafter, determine the per centum change in the price index published for June of such year over the price index published for December of the preceding year.

"(3) If in any year the per centum change determined under either paragraph (2)(A) or (2)(B) indicated a rise in the price index, then—

"(A) in the case of an increase under paragraph (2)(A), (i) each annuity described in paragraph (2) having a commencing date not later than March 1 of such year shall, effective such March 1, be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum, and (ii) each annuity described in such paragraph having a commencing date after such March 1 but before the effective date of the next increase in annuities under this paragraph shall, effective such commencing date, be increased by such per centum change, adjusted to the nearest one-tenth of 1 per centum, or

"(B) in the case of an increase under paragraph (2)(B), (i) each annuity described in paragraph (2) having a commencing date not later than September 1 of such year shall, effective such September 1, be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum, and (ii) each annuity described in such paragraph having a commencing date after such September 1 but before the effective date of the next increase in annuities under this paragraph shall, effective such commencing date, be increased by such per centum change, adjusted to the nearest one-tenth of 1 per centum.

"(4) The monthly installment of annuity after adjustment under this subsection shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least $1.

"Price index."

"(5) For purposes of this subsection, the term 'price index' means the Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics.".

(2) Subsections (m) (2) and (3) of the Policemen and Firemen's Retirement and Disability Act, as added by the amendment made by paragraph (1)(B) of this subsection, shall apply (A) to any increase after the effective date of such amendment in annuities payable under subsection (k) of such Act, except that with respect to the first date after the effective date of such amendment on which the Mayor is to determine a per centum change for the purpose of such an increase, such per centum change shall be determined by computing the change in the price index published for the month immediately preceding such first date over the price index published for the last month which was the base month for purposes of subsection (k)(7) of the Policemen and Firemen's Retirement and Disability Act before the repeal of such subsection by subsection (b) of this section, and (B) to any increase in each annuity payable under such Act having a commencing date after the effective date of such amendment.

D.C. Code 4-531.

Repeal.

(b) Subsection (k)(7) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-531(7)) is repealed.

(c) Section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4-518) is amended by adding at the end thereof the following new subsection:

"(e) This section shall not apply with respect to officers and members of the Metropolitan Police force or the Fire Department of the District of Columbia who retire after the effective date of this subsection.".

Effective date.

(d) The amendments made by this section shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

AUTHORITY TO WAIVE COLLECTION OF OVERPAYMENTS

Ante, pp. 904, 912.

SEC. 210. Subsection (o) of the Policemen and Firemen's Retirement and Disability Act, as amended by section 205(b) of this Act and redesignated by section 209(a)(1)(A) of this Act (D.C. Code, sec. 4-533), is amended by adding at the end thereof the following new paragraph:

"(3) Except in a case of fraud against the District of Columbia, the Mayor may waive collection of any amount less than $100 which was paid to an annuitant in excess of the amount to which such annuitant was entitled under this section.".

COMMENCING DATE OF PAYMENT OF ANNUITIES

SEC. 211. Subsection (p) of the Policemen and Firemen's Retirement and Disability Act, as redesignated by section 209(a)(1)(A) of this Act (D.C. Code, sec. 4-534), is amended by inserting after "accrues monthly" in paragraph (1) the following: "(except that an annuity accrues over any portion of a month after the commencing date of such annuity but before the first day of the next month and is payable for such month in an amount pro rated in a manner to be determined by the Mayor)".

PAYMENT OF ANNUITIES TO MINORS AND MENTAL INCOMPETENTS

SEC. 212. Subsection (p) of the Policemen and Firemen's Retirement and Disability Act, as redesignated by section 209(a)(1)(A) of this Act and amended by section 211 of this Act (D.C. Code, sec. 4-534), is amended by redesignating paragraphs (2) and (3) of such subsection as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Payment due a minor, or an individual mentally incompetent or under other legal disability, may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. If a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the claimant, payment may be made to any person who, in the judgment of the Mayor, is responsible for the care of the claimant, and the payment bars recovery by any other person.".

IMPROVEMENTS IN ADMINISTRATION OF DISABILITY RETIREMENTS

SEC. 213. Subsection (g) of the Policemen and Firemen's Retirement and Disability Act (as amended by section 204 of this Act) is further amended by adding at the end thereof the following new paragraphs:

Ante, p. 902.

"(6) Not later than ninety days after the date of the enactment of the District of Columbia Retirement Reform Act, the Board of Police and Fire Surgeons shall submit to the Mayor recommendations for regulations to establish specific criteria for determining whether an injury was incurred, or a disease was contracted, in the performance of duty and whether an injury or disease was aggravated in the performance of duty. The Mayor shall promulgate regulations establishing such criteria in a timely manner based on the recommendations of the Board.

Ante, p. 866.

"(7)(A) In making determinations under this subsection and under subsection (f), the Board of Police and Fire Surgeons and the Police and Firemen's Retirement and Relief Board shall make full use of the medical resources in the District of Columbia and shall make the widest practical use of the medical expertise available to them consistent with fair and even administration of this Act.

D.C. Code 4-526.

"(B) Not later than ninety days after the date of the enactment of the District of Columbia Retirement Reform Act, the Board of Police and Fire Surgeons and the Police and Firemen's Retirement and Relief Board shall each submit to the Mayor recommendations for regulations to carry out the requirements of subparagraph (A). The Mayor shall, in a timely manner and based on the recommendations of such Boards, promulgate regulations to carry out the requirements of such subparagraph.

Recommendations for regulations, submittal to Mayor.
Regulations.

"(C) Failure to promulgate such regulations, or failure to comply with such regulations, shall not invalidate any decision of the Mayor or the Police and Firemen's Retirement and Relief Board with respect to the retirement of any individual.".

RESTRICTION ON RETIRED POLICE OFFICERS AND FIRE FIGHTERS RECEIVING ANNUITY WHILE EMPLOYED BY THE DISTRICT OF COLUMBIA GOVERNMENT

SEC. 214. Subsection (p) of the Policemen and Firemen's Retirement and Disability Act (as redesignated by section 209(a)(1)(A) and amended by section 211) is amended by adding at the end thereof the following new paragraph:

Ante, pp. 912, 914.

"(5) Notwithstanding any other provision of law, the salary of any annuitant who first becomes entitled to an annuity under this section after the date of the enactment of the District of Columbia Retirement Reform Act and who is subsequently employed by the government of the District of Columbia shall be reduced by such amount as is necessary to provide that the sum of such annuitant's annuity under this section and compensation for such employment is equal to the salary otherwise payable for the position held by such annuitant.".

PART B—TEACHERS' AND JUDGES' RETIREMENT BENEFITS

COST-OF-LIVING ADJUSTMENTS OF TEACHERS' ANNUITIES

SEC. 251. (a)(1) Section 21(b) of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-739a(b)), is amended to read as follows:

"(b)(1) The Mayor shall—

"(A) on January 1 of each year, or within a reasonable time thereafter, determine the per centum change in the price index published for December of the preceding year over the price index published for June of the preceding year, and

"(B) on July 1 of each year, or within a reasonable time thereafter, determine the per centum change in the price index published for June of such year over the price index published for December of the preceding year.

"(2) If in any year the per centum change determined under either paragraph (1)(A) or (1)(B) indicates a rise in the price index, then—

"(A) in the case of an increase under paragraph (2)(A), (i) each annuity described in paragraph (2) having a commencing date not later than March 1 of such year shall, effective such March 1, be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum, and (ii) each annuity described in such paragraph having a commencing date after such March 1 but before the effective date of the next increase in annuities under this paragraph shall, effective such commencing date, be increased by such per centum, or

"(B) in the case of an increase under paragraph (2)(B), (i) each annuity described in paragraph (2) having a commencing date not later than September 1 of such year shall, effective such September 1, be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum, and (ii) each annuity described in such paragraph having a commencing date after such September 1 but before the effective date of the next increase in annuities under this paragraph shall, effective such commencing date, be increased by such per centum change, adjusted to the nearest one-tenth of 1 per centum.".

(2) The amendment made by paragraph (1) shall apply to any increase after the effective date of such amendment in annuities payable from the District of Columbia teachers' retirement and annuity fund established by section 2 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946, or from the District of Columbia Teachers' Retirement Fund established by section 123(a) of this Act, except that with respect to the first date after the effective date of such amendment on which the Mayor is to determine a per centum change, such per centum change shall be determined by computing the change in the price index published for the month immediately preceding such first date over the price index published for the last month before such effective date for which the price index showed a per centum

D.C. Code 31-722.
Ante, p. 873.

rise forming the basis for a cost-of-living annuity increase under section 21(b) of such Act of August 7, 1946, as in effect immediately before the amendment of such section by paragraph (1).

D.C. Code 31-739a.

(b) Section 21(c) of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-739a(c)), is amended—

(1) by striking out "governed by the commencing date of each annuity payable from the fund as of the effective date of an increase" and inserting in lieu thereof "as provided in subsection (b)(2)"; and

(2) by striking out "from the fund" in paragraph (1) of such section.

Effective date.

(c) The amendments made by subsections (a) and (b) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

COST-OF-LIVING ADJUSTMENTS OF JUDGES' ANNUITIES

Sec. 252. (a) Section 11-1571(a) of title 11 of the District of Columbia Code is amended by inserting ", or who, before the next such increase first becomes payable under such section, receives such salary or annuity, either" immediately after "salary or annuity".

Effective date.

(b) The amendment made by subsection (a) shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

INTEREST ON TEACHERS' REFUNDS AND DEPOSITS

Sec. 253. (a)(1) The first section of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-721), is amended—

(A) in the first paragraph by inserting "or the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, whichever is earlier" immediately before the period at the end of the proviso in the second sentence; and

Ante, p. 866.

(B) in the second paragraph—

(i) in the first sentence—

(I) by striking out "at 3 per centum per annum compounded as of December 31 of each year" and inserting in lieu thereof "computed in accordance with section 24(a) of this Act" and

Post, p. 918.

(II) by striking out "an interest rate of 3 per centum per annum compounded annually" and inserting in lieu thereof "the interest rate computed in accordance with section 24(a) of this Act"; and

(ii) in the second sentence, by inserting "to the date of such death or separation or the end of the 90-day period beginning on the date of enactment of the District of Columbia Retirement Reform Act, whichever is earlier" immediately after "are made".

(2) Section 1A(b) of such Act (D.C. Code, sec. 31-721a(b)) is amended by striking out "with interest at 4 per centum compounded annually" in the first sentence and inserting in lieu thereof ", with interest computed in accordance with section 24(b) of this Act,".

(3) Section 8 of such Act (D.C. Code, sec. 31-728) is amended in the first paragraph—

(A) in the second proviso in the sixth sentence—

(i) by striking out "the accumulated contributions and interest" and inserting in lieu thereof "(1) the accumulated contributions", and

(ii) by inserting immediately before the colon at the end of such proviso ", and (2) interest thereon computed in accordance with section 24(b) of this Act"; and

Infra.

(B) in the seventh sentence, by striking out "with interest at 3 per centum per annum compounded annually".

(4) Section 9(a) of such Act (D.C. Code, sec. 31-729(a)) is amended—

(A) in the first proviso—

(i) by inserting "(computed to the date of separation or the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, whichever is earlier)" immediately after "thereon", and

Ante, p. 866.

(ii) by inserting "(computed to the date of separation or the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, whichever is earlier)" immediately after "interest" the second time it appears;

(B) in the second proviso, by inserting "(including the interest thereon) plus interest computed in accordance with section 24(c) of this Act" immediately before the colon at the end of such proviso; and

(C) in the third proviso, by striking out ", with interest at 3 per centum compounded annually".

(5) Section 10(f)(3) of such Act (D.C. Code, sec. 31-730(f)(3)) is amended by inserting after "interest" the first time it appears ", earned prior to the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act".

(6) Such Act is further amended by adding at the end thereof the following new section:

Interest accrual rates and periods.

"Sec. 24. (a) For purposes of determining the amount available to purchase an annuity under the second paragraph of the first section of this Act, interest shall be deemed to accrue on deposits at the following rates for the following periods:

"(1) Prior to the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, interest shall accrue at the rate of 3 per centum per annum compounded as of December 31 of each year.

"(2) For the period beginning at the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act and ending on September 30, 1981, interest shall accrue at a rate which (as determined by the Mayor of the District of Columbia) is equal to the average rate of interest on interest-bearing obligations of the United States forming a part of the public debt (adjusted to the nearest one-eighth of 1 per centum).

"(3) After October 1, 1981, interest shall accrue at an annual rate which (as determined by the Mayor of the District of Columbia) is equal to the average annual rate of return on investment (adjusted to the nearest one-eighth of 1 per centum) for the District of Columbia Teachers' Retirement Fund established by section 123 of the District of Columbia Retirement Reform Act.

Ante, p. 873.

D.C. Code 31-721a, 31-728. D.C. Code 31-745.

"(b) Interest required on deposits under section 1A or 8 of this Act or under the Act of June 27, 1960, shall be computed as follows:

"(1) Interest shall be paid at a rate which (as determined by the Mayor of the District of Columbia) is equal to the average rate of return on investment (adjusted to the nearest one-eighth of 1 per centum) for the District of Columbia Teachers' Retirement Fund (established by section 123 of the District of Columbia Retirement Reform Act) for the period beginning on the first day of the first month which begins after the midpoint of the period with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made if he makes a lump-sum payment or during which he makes the first payment if he makes installment deposits, except that—

Ante, p. 873.

"(A) for so much of any such period which occurs between the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act and October 1, 1980, the average rate of interest on interest-bearing obligations of the United States forming a part of the public debt (adjusted to the nearest one-eighth of 1 per centum) shall be used in determining the interest rate to be paid on deposits; and

Ante, p. 866.

"(B) for so much of any such period which occurs prior to the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, the rate of 3 per centum a year, compounded annually, shall be used in determining the interest rate to be paid on deposits.

"(2) Interest shall be payable for the period beginning on the first day of the first month which begins after the midpoint of the period with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made.

"(3) If a teacher elects to make his deposit in installments, each payment shall include interest on that portion of the refund which is then being redeposited.

"(c) Interest required on deposits under section 9(a) of this Act shall be computed as follows:

D.C. Code 31-729.

"(1) Interest shall be paid at a rate which (as determined by the Mayor of the District of Columbia) is equal to the average rate of return on investment (adjusted to the nearest one-eighth of 1 per centum) for the District of Columbia Teachers' Retirement Fund (established by section 123 of the District of Columbia Retirement Reform Act) for the period beginning on the first day of the first month which begins after the end of the service period with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made if he makes a lump sum payment or during which he makes the first payment if he makes installment deposits, except that—

"(A) for so much of any such period which occurs between the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act and October 1, 1980, the average rate of interest on interest-bearing obligations of the United States forming a part of the public debt (adjusted to the nearest one-eighth of 1 per centum) shall be used in determining the interest rate to be paid on deposits; and

"(B) for so much of any such period which occurs prior to the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, the rate of 3 per centum a year, compounded annually, shall be used in determining the interest rate to be paid on deposits.

"(2) Interest shall be payable for the period beginning on the first day of the first month which begins after the end of the service period with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made.

"(3) If a teacher elects to make his deposit in installments, each payment shall include interest on that portion of the refund which is then being redeposited.".

(b) The Act entitled "An Act to authorize certain teachers in the public schools of the District of Columbia to count as creditable service for retirement purposes certain periods of authorized leave without pay taken by such teachers for educational purposes", approved June 27, 1960 (D.C. Code, sec. 31-745), is amended—

(1) by striking out "and interest"; and

(2) by inserting immediately before the colon at the beginning of the proviso "plus interest computed in accordance with section 24(b) of such Act of August 7, 1946".

Ante, p. 918.

Effective date.

(c) The amendments made by this section shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

INTEREST ON JUDGES' REDEPOSITS

SEC. 254. (a) Subchapter III of chapter 15 of title 11 of the District of Columbia Code is amended—

(1) in section 11-1561—

(A) in paragraph (9)(C), by inserting immediately before the semicolon at the end thereof "or the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, whichever is earlier", and

Ante, p. 866.

(B) in paragraph (10)(C), by inserting immediately before the semicolon at the end thereof "or the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, whichever is earlier"; and

(2) in section 11-1569(c), by inserting "or the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, whichever is earlier" immediately after "such judge" and before the comma.

(b) Such subchapter III is further amended—

(1) in section 11-1563(b), by striking out "at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year" and inserting in lieu thereof "computed in accordance with section 11-1564(d)(2)";

(2) by amending section 11-1564(d)(2) to read as follows:

"(2) Interest on deposits under this subsection and section 11-1567 (b) shall be computed as follows:

D.C. Code 11-1567.

"(A) Interest shall be paid at a rate which (as determined by the Mayor of the District of Columbia) is equal to the average rate of return on investment (adjusted to the nearest one-eighth of 1 per centum) for the District of Columbia Judges' Retirement Fund (established by section 124 of the District of Columbia Retirement Reform Act) for the period beginning on the first day of the first month which begins after the end of the service period with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made if he makes a lump sum payment or during which he makes the first payment if he makes installment deposits, except that—

Ante, p. 875.

"(i) for so much of any such period which occurs between the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act and October 1, 1980, the average rate of interest on interest-bearing obligations of the United States forming a part of the public debt (adjusted to the nearest one-eighth of 1 per centum) shall be used in determining the interest rate to be paid on deposits;

Ante, p. 866.

"(ii) for so much of any such period which occurs between January 1, 1948, and the end of the 90-day period beginning on the date of the enactment of the District of Columbia Retirement Reform Act, the rate of 3 per centum a year, compounded annually, shall be used in determining the interest rate to be paid on deposits; and

"(iii) for so much of any such period which occurs prior to January 1, 1948, the rate of 4 per centum a year, compounded annually, shall be used in determining the interest rate to be paid on deposits.

"(B) Interest shall be payable for the period beginning on the first day of the first month which begins after the end of the service period with respect to which the deposit is made and ending on the last day of the month which precedes the month during which the deposit is made.

"(C) If a judge elects to make his deposit in installments, each payment shall include interest on that portion of the refund which is then being redeposited.

Interest may not be charged for a period of separation from the service which began before October 31, 1956."; and

(3) in section 11-1567(b), by striking out "at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year" and inserting in lieu thereof "computed in accordance with section 11-1564(d)(2)".

D.C. Code 11-1567.

(c) The amendments made by this section shall take effect at the end of the ninety-day period beginning on the date of the enactment of this Act.

Effective date.

RESTORATION OF TEACHERS' ANNUITIES IN THE EVENT OF PREDECEASED BENEFICIARIES

SEC. 255. (a) Section 5(b) of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-725(b)), is amended by adding at the end thereof the following new paragraph:

"(4) In the event an individual designated as a surviving widow or widower or as a survivor annuitant under this subsection predeceases the teacher designating such individual, the annuity of such teacher shall, effective the day after the death of such individual, be the amount it would have been if no such beneficiary had been named.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1978, or at the end of the ninety-day period beginning on the date of the enactment of this Act, whichever is later.

Effective date.

TERMINATION OF TEACHERS' DISABILITY ANNUITIES BASED ON OUTSIDE EARNED INCOME

SEC. 256. Section 4 of the Act entitled "An Act for retirement of public-school teachers in the District of Columbia", approved August

7, 1946 (D.C. Code, sec. 31-724), is amended by inserting after the second paragraph thereof the following new paragraph:

"Notwithstanding the foregoing provisions of this section, if during any calendar year an annuitant who is receiving a disability annuity under this section and who has not reached retirement age (as defined in section 3) receives income from wages or self-employment, or both, in an amount not less than 80 per centum of the current rate of pay of the position occupied by the annuitant before retirement, the annuity of such annuitant shall be terminated by the Board of Education effective January 1 of the first calendar year after such calendar year, except that this sentence shall not apply with respect to income received during the year in which the annuitant retired. The annuity of any annuitant whose annuity is terminated under the preceding sentence shall be restored, at the rate which would have been in effect but for such termination, effective January 1 of any year following a year during which the amount of such annuitant's income from wages and self-employment is less than 80 per centum of the current rate of pay of the position occupied by the annuitant before retirement, or effective immediately if the Board of Education determines that, outside of normal fluctuations in such annuitant's income, such annuitant's income is reduced to a level which on an annual basis is less than 80 per centum of such current rate of pay.".

RESTRICTION ON RETIRED TEACHERS RECEIVING ANNUITY WHILE EMPLOYED BY THE DISTRICT OF COLUMBIA GOVERNMENT

SEC. 257. The Act entitled "An Act for retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-721 et seq.), is amended by adding after section 24 (as added by section 253(a)(6)) the following new section:

Ante, p. 917.

"SEC. 25. Notwithstanding any other provision of law, the salary of any retired teacher who first becomes entitled to an annuity under this Act after the date of the enactment of the District of Columbia Retirement Reform Act and who is subsequently employed by the government of the District of Columbia shall be reduced by such amount as is necessary to provide that the sum of such teacher's annuity under this Act and compensation for such employment is equal to the salary otherwise payable for the position held by such teacher.".

Ante, p. 866.

Approved November 17, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-155 accompanying H.R. 3939 (Comm. on the District of Columbia) and No. 96-584 (Comm. of Conference).
SENATE REPORT No. 96-237 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Aug. 1, considered and passed Senate.
Sept. 24, H.R. 3939 considered and passed House; passage vacated and S. 1037, amended, passed in lieu.
Nov. 8, House agreed to conference report.
Nov. 9, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 47:
Nov. 19, Presidential statement.

Public Law 96-123
96th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1980, and for other purposes.

Nov. 20, 1979
[H.J. Res. 440]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1980, and for other purposes, namely:

Continuing appropriations for fiscal year 1980.

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1979 and for which appropriations, funds or other authority would be available in the following appropriation Acts:

Foreign Assistance and Related Programs Appropriations Act, 1980, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended;

22 USC 2412.

22 USC 2680.

Department of the Interior and Related Agencies Appropriation Act, 1980; and

Military Construction Appropriation Act, 1980.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act: *Provided,* That none of the funds made available by this joint resolution for Foreign Assistance and Related Programs shall be used for military or economic aid for Iran.

Iran, military or economic aid, prohibition.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1979, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1979, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House as of October 1, 1979, or where an item is included in only one version of an Act as passed by both Houses as of October 1, 1979, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1979: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1979, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall

have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in fiscal year 1979 for which provision was made in the Department of Defense Appropriation Act, 1979, at a rate of operations not in excess of the current rate or the rate provided in the budget estimate, whichever is lower, and under the more restrictive authority.

(c) Such amounts as may be necessary for continuing the following activities, not otherwise provided for, which were conducted in fiscal year 1979, but at a rate for operations not in excess of the current rate:

42 USC 4951 note.

activities under the Domestic Volunteer Service Act;

42 USC 241.

activities for support of nursing research under section 301 of the Public Health Service Act;

42 USC 241, 242a, 289*l*-1.

activities for support of nursing fellowships and for support of training programs and program support related to alcoholism under sections 301, 303, and 472 of the Public Health Service Act;

42 USC 295g-9, 296, 300d, 300k-1, 300u.

activities under section 789 and titles VIII, XII, XV, and XVII of the Public Health Service Act, except that activities under title XV of the Public Health Service Act shall be conducted at not to exceed an annual rate for obligations of $169,717,000;

42 USC 2689c, 2689h.

activities under sections 204 and 213 of the Community Mental Health Centers Act;

42 USC 257, 246; 21 USC 1171-1180.

activities under title IV of the Drug Abuse Office and Treatment Act;

42 USC 4571, 4585.

activities under titles III and V of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act;

22 USC 2601 note.

activities under section 2 of the Indochina Migration and Refugee Assistance Act;

activities of the National Board for the Promotion of Rifle Practice;

15 USC 57a.

FTC regulations, restriction.

activities of the Federal Trade Commission: *Provided,* That none of the funds made available by this joint resolution for the Federal Trade Commission may be used for the final promulgation of trade regulation rules authorized by section 18 of the Federal Trade Commission Act, as amended, nor to initiate any new activities: *Provided further,* That no new trade regulation rules promulgated under the authority of section 18 of the Federal Trade Commission Act, as amended, after August 30, 1979, are to become effective during the period covered by this joint resolution for the Federal Trade Commission, unless authorizing legislation for the Federal Trade Commission is enacted into law during such period: *Provided further,* That notwithstanding the provisions of section 102(c) of this joint resolution, the authority and funds made available herein shall remain available only until March 15, 1980;

42 USC 3701 note.

activities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that such activities shall be continued at a rate of operations not in excess of appropriations contained in the Department of Justice Appropriation Act, 1980, for the Office of Justice Assistance, Research, and Statistics;

activities of the Economic Development Administration; and

activities of the Regional Action Planning Commissions.

(d) Notwithstanding the funding rates provided for in section 101(a), activities of the Department of State for Migration and Refugee Assistance shall be funded at not to exceed an annual rate for obligations of $456,241,000, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10 of Public Law 91-672.

22 USC 2680.
22 USC 2412.

(e) Such amounts as may be necessary for projects or activities which were conducted in fiscal year 1979 and for which provision was made in the Department of Transportation and Related Agencies Appropriation Act, 1979, or chapter X of the Supplemental Appropriations Act, 1979, at a rate of operations not in excess of the current rate or the rate provided in the budget estimate, whichever is lower, and under the more restrictive authority: *Provided,* That the Panama Canal Commission is authorized to incur obligations at the rate of operations, and to the extent and in the manner provided for in H.R. 4440 as passed the House of Representatives on September 18, 1979, to meet operational and capital requirements of the Panama Canal in conformance with applicable legislation and the Panama Canal Treaty of 1977, notwithstanding the provisions of section 106 of this joint resolution: *Provided further,* That the Interstate Commerce Commission is authorized to incur obligations for payments for directed rail service at the rate of operations and to the extent and manner provided for in H.R. 4440 as passed by the House of Representatives on September 18, 1979.

92 Stat. 435.
Ante, p. 119.

(f) Such amounts as may be necessary for the programs or activities of the Federal Inspector for the Alaska Gas Pipeline, at a rate of operations not in excess of 35 per centum of the fiscal year 1980 budget estimate.

(g) Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Act, 1980 (H.R. 4389), at a rate of operations, and to the extent and in the manner, provided for in such Act as adopted by the House of Representatives on August 2, 1979, notwithstanding the provisions of section 106 of this joint resolution.

(h) To carry out title II of the Indochina Refugee Children Assistance Act of 1976 (Public Law 95-561), $12,000,000, notwithstanding the provisions of section 106 of this joint resolution: *Provided,* That this amount shall become available for obligation only upon submission to Congress by the President of a budget estimate pursuant to law.

92 Stat. 2363.
20 USC 1211b note.
Budget estimate, submittal to Congress.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from November 20, 1979, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1980, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1979.

Alaska Railroad, restriction on use of Federal funds.

SEC. 107. None of the funds contained in this Act shall be used for the reorganization of the Alaska Railroad Office of the Chief Counsel, Office of Real Estate or Office of Financial Planning, or for the consolidation of those Offices into the Office of the Alaska Railroad General Manager.

SEC. 108. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Abortions, restriction on use of Federal funds.

SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds provided by this joint resolution shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service;

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Iran, military or economic aid, prohibition.

SEC. 110. Notwithstanding any other provision of this joint resolution, except section 102, none of the funds provided by this joint resolution shall be used for military or economic aid for Iran.

SEC. 111. For an additional amount for "Executive Office of the President, Office of the Special Representative for Trade Negotiations, Salaries and Expenses", $3,800,000, of which not to exceed $15,000 shall be available for official reception and representation expenses.

SEC. 112. For an additional amount for "Public Law 480", $24,000,000. The amount for titles I and III shall be reduced by $34,528,000 and the amount for title II shall be increased by $58,528,000. The authorized program level for title II is increased by $50,362,000. Funds provided in this section shall remain available until expended.

Approved November 20, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-609 (Comm. on Appropriations) and No. 96-646 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 13, considered and passed House.
Nov. 15, considered and passed Senate, amended.
Nov. 16, House agreed to conference report; receded from its disagreement and concurred in Senate amendment No. 6; receded from its disagreement and concurred with an amendment to Senate amendment No. 5. Senate agreed to conference report and House amendment.

Public Law 96-124
96th Congress

An Act

To allow the Interest Rate Modification Act of 1979, passed by the Council of the District of Columbia, to take effect immediately.

Nov. 20, 1979
[H.R. 5811]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act shall not apply to the Interest Rate Modification Act of 1979 (District of Columbia act 3-119) passed by the Council of the District of Columbia on November 6, 1979, and signed by the Mayor of the District of Columbia on November 6, 1979, and such District of Columbia act shall become law on the date of the enactment of this Act, notwithstanding section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act and any provision to the contrary in such District of Columbia act.

D.C.
Interest rate modification.
D.C. Code 1-147.

D.C. Code 1-144.

Approved November 20, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-603 (Comm. on District of Columbia).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 13, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 96-125
96th Congress

An Act

Nov. 26, 1979
[S. 1319]

To authorize certain construction at military installations for fiscal year 1980, and for other purposes.

Military Construction Authorization Act, 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1980".

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION PROJECTS

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $1,250,000.
Fort Campbell, Kentucky, $18,200,000.
Fort Drum, New York, $690,000.
Fort Greely, Alaska, $820,000.
Fort Hood, Texas, $13,650,000.
Fort Hunter Liggett, California, $2,900,000.
Fort Lewis, Washington, $7,400,000.
Fort Meade, Maryland, $18,500,000.
Fort Ord, California, $17,380,000.
Fort Polk, Louisiana, $26,810,000.
Fort Richardson, Alaska, $5,250,000.
Fort Riley, Kansas, $28,350,000.
Fort Sheridan, Illinois, $1,200,000.
Schofield Barracks, Hawaii, $2,750,000.
Fort Stewart/Hunter Army Air Field, Georgia, $39,900,000.
Yakima Firing Center, Washington, $1,100,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Camp Perry, Ohio, $1,000,000.
Fort Belvoir, Virginia, $2,420,000.
Fort Benning, Georgia, $12,800,000.
Fort Bliss, Texas, $30,000,000.
Fort Eustis, Virginia, $6,410,000.
Fort Benjamin Harrison, Indiana, $4,450,000.
Fort Knox, Kentucky, $22,815,000.
Fort Leavenworth, Kansas, $540,000.
Fort Lee, Virginia, $3,960,000.

Fort Rucker, Alabama, $2,080,000.
Fort Story, Virginia, $2,450,000.
Fort Leonard Wood, Missouri, $6,350,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $8,400,000.
Anniston Army Depot, Alabama, $4,850,000.
Badger Army Ammunition Plant, Wisconsin, $650,000.
Corpus Christi Army Depot, Texas, $1,560,000.
Crane Army Ammunition Activity, Indiana, $2,490,000.
Detroit Arsenal, Michigan, $4,400,000.
Harry Diamond Laboratories, Maryland, $2,800,000.
Dugway Proving Ground, Utah, $520,000.
Indiana Army Ammunition Plant, Indiana, $1,010,000.
Iowa Army Ammunition Plant, Iowa, $2,060,000.
Joliet Army Ammunition Plant, Illinois, $5,800,000.
Kansas Army Ammunition Plant, Kansas, $650,000.
Lake City Army Ammunition Plant, Missouri, $3,800,000.
Letterkenny Army Depot, Pennsylvania, $1,200,000.
Lexington-Blue Grass Army Depot, Kentucky, $1,500,000.
McAlester Army Ammunition Plant, Oklahoma, $1,470,000.
Michigan Army Missile Plant, Michigan, $2,550,000.
Fort Monmouth, New Jersey, $1,650,000.
Newport Army Ammunition Plant, Indiana, $1,550,000.
Picatinny Arsenal, New Jersey, $9,750,000.
Radford Army Ammunition Plant, Virginia, $6,100,000.
Red River Army Depot, Texas, $8,600,000.
Redstone Arsenal, Alabama, $7,200,000.
Riverbank Army Ammunition Plant, California, $1,100,000.
Rock Island Arsenal, Illinois, $5,900,000.
Rocky Mountain Arsenal, Colorado, $6,500,000.
Scranton Army Ammunition Plant, Pennsylvania, $3,750,000.
Seneca Army Depot, New York, $8,350,000.
Sharpe Army Depot, California, $1,650,000.
Sierra Army Depot, California, $770,000.
Tobyhanna Army Depot, Pennsylvania, $10,410,000.
Tooele Army Depot, Utah, $1,050,000.
Volunteer Army Ammunition Plant, Tennessee, $810,000.
Watervliet Arsenal, New York, $1,300,000.
White Sands Missile Range, New Mexico, $5,750,000.
Yuma Proving Ground, Arizona, $4,300,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $830,000.
Indiana Army Ammunition Plant, Indiana, $10,490,000.
Lake City Army Ammunition Plant, Missouri, $140,000.
Lone Star Army Ammunition Plant, Texas, $1,890,000.
Longhorn Army Ammunition Plant, Texas, $170,000.
Louisiana Army Ammunition Plant, Louisiana, $670,000.
Milan Army Ammunition Plant, Tennessee, $450,000.
Radford Army Ammunition Plant, Virginia, $67,350,000.
Riverbank Army Ammunition Plant, California, $280,000.
Scranton Army Ammunition Plant, Pennsylvania, $720,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $1,150,000.
Fort Ritchie, Maryland, $7,850,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $13,350,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Walter Reed Army Medical Center, District of Columbia, $650,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Terminal, New Jersey, $920,000.
Oakland Army Base, California, $1,100,000.
Sunny Point Terminal, North Carolina, $31,290,000.

OUTSIDE THE UNITED STATES

KWAJALEIN MISSILE RANGE

National Missile Range, $2,900,000.

UNITED STATES ARMY FORCES COMMAND

Panama Area, Canal Zone, $26,060,000.

UNITED STATES ARMY, JAPAN

Okinawa, $2,700,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $128,490,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND

Various Locations, $2,800,000.

EMERGENCY CONSTRUCTION

SEC. 102. The Secretary of the Army may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, (4) improved production schedule, or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $20,000,000. The Secretary of the Army, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and

Notification to congressional committees.

House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire on October 1, 1980, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1981, which ever is later, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

Authorization expiration.

MINOR CONSTRUCTION

SEC. 103. The Secretary of the Army is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $52,270,000.

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION PROJECTS

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

MARINE CORPS

Marine Corps Base, Camp Lejeune, North Carolina, $24,630,000.

Marine Corps Base, Camp Pendleton, California, $14,200,000.

Marine Corps Air Station, Cherry Point, North Carolina, $8,410,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $4,800,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $4,500,000.

Marine Corps Development and Education Command, Quantico, Virginia, $7,300,000.

Marine Corps Air Station, Tustin, California, $3,400,000.

Marine Corps Base, Twentynine Palms, California, $5,700,000.

Marine Corps Air Station, Yuma, Arizona, $9,700,000.

CHIEF OF NAVAL OPERATIONS

Naval Submarine Support Base, Kings Bay, Kingsland, Georgia, $20,330,000.

Naval Support Activity, Mare Island, California, $1,050,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Charleston, South Carolina, $3,600,000.

Naval Amphibious Base, Little Creek, Virginia, $1,670,000.

Naval Submarine Base, New London, Connecticut, $15,850,000.

Naval Air Station, Oceana, Virginia, $14,700,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Station, Adak, Alaska, $19,950,000.

Naval Amphibious Base, Coronado, California, $1,600,000.

Naval Air Station, Lemoore, California, $6,300,000.

Naval Magazine, Lualualei, Hawaii, $15,700,000.

Naval Air Station, Miramar, California, $4,050,000.

Naval Air Station, North Island, California, $1,450,000.

Naval Station, San Diego, California, $9,200,000.

Navy Submarine Support Facility, San Diego, California, $3,200,000.

Naval Air Station, Whidbey Island, Washington, $2,650,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $720,000.

Naval Training Center, Great Lakes, Illinois, $6,300,000.

Naval Air Station, Memphis, Tennessee, $4,700,000.

Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, Virginia, $1,200,000.

Naval Air Station, Pensacola, Florida, $820,000.

Fleet Training Center, San Diego, California, $8,300,000.

BUREAU OF MEDICINE AND SURGERY

Naval Regional Medical Center, Camp Pendleton, California, $2,050,000.

Naval Regional Medical Center, San Diego, California, $5,900,000.

CHIEF OF NAVAL MATERIAL

Naval Air Rework Facility, Alameda, California, $3,500,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $2,545,000.

Puget Sound Naval Supply Center, Bremerton, Washington, $1,000,000.

Charleston Naval Shipyard, Charleston, South Carolina, $2,250,000.

Naval Weapons Station, Charleston, South Carolina, $5,000,000.

Polaris Missile Facility Atlantic, Charleston, South Carolina, $7,500,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $750,000.

Naval Weapons Center, China Lake, California, $4,350,000.

Naval Weapons Station, Concord, California, $3,950,000.

Naval Weapons Support Center, Crane, Indiana, $690,000.

Naval Air Rework Facility, Jacksonville, Florida, $3,600,000.

Navy Fuel Depot, Jacksonville, Florida, $1,400,000.

Portsmouth Naval Shipyard, Kittery, Maine, $6,250,000.

Long Beach Naval Shipyard, Long Beach, California, $8,250,000.

Naval Air Engineering Center, Lakehurst, New Jersey, $700,000.

Naval Ordnance Station, Louisville, Kentucky, $1,850,000.

Navy Ship Parts Control Center, Mechanicsburg, Pennsylvania, $2,400,000.

Naval Supply Center, Norfolk, Virginia, $25,960,000.

Naval Air Rework Facility, North Island, California, $3,200,000.

Naval Air Test Center, Patuxent River, Maryland, $4,540,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $7,300,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $1,000,000.

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $510,000.

Naval Construction Battalion Center, Port Hueneme, California, $1,200,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $19,200,000.

Naval Ocean Systems Center, San Diego, California, $8,800,000.

Navy Supply Center, San Diego, California, $11,600,000.

Naval Weapons Station, Seal Beach, California, $960,000.

Naval Surface Weapons Center, Solomons Island, Maryland, $860,000.

Mare Island Naval Shipyard, Vallejo, California, $16,220,000.

Naval Weapons Station, Yorktown, Virginia, $2,270,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Unit, Cutler, Maine, $950,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $6,505,000.

OUTSIDE THE UNITED STATES

MARINE CORPS

Marine Corps Base, Camp Smedley D. Butler, Okinawa, Japan, $11,700,000.

OFFICE OF NAVAL RESEARCH

Al Ghardaqa Marine Laboratory, Hurgada, Arab Republic of Egypt, $30,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Bermuda, $860,000.

Naval Station, Keflavik, Iceland, $17,650,000.

Naval Station, Roosevelt Roads, Puerto Rico, $1,300,000.

NAVAL FORCES EUROPE

Naval Station, Rota, Spain, $6,600,000.

Naval Air Facility, Sigonella, Italy, $9,700,000.

CHIEF OF NAVAL MATERIAL

Navy Public Works Center, Guam, Mariana Islands, $3,700,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $2,500,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edsell, Scotland, $1,400,000.

EMERGENCY CONSTRUCTION

SEC. 202. The Secretary of the Navy may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, (4) improved production schedules, or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $20,000,000. The Secretary of the Navy, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire on October 1, 1980, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1981, whichever is later, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

Notification to congressional committees.

Authorization expiration.

MINOR CONSTRUCTION

SEC. 203. The Secretary of the Navy is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $33,160,000.

AL GHARDAQA MARINE LABORATORY, EGYPT

SEC. 204. The Secretary of the Navy is authorized to expend excess foreign exchange funds in the amount of $580,000 for the construction of a multipurpose marine biological laboratory at the Al Ghardaqa Marine Laboratory, Hurgada, Arab Republic of Egypt.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION PROJECTS

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $6,990,000.
Kelly Air Force Base, Texas, $6,350,000.
Newark Air Force Station, Ohio, $860,000.

Robins Air Force Base, Georgia, $10,750,000.
Tinker Air Force Base, Oklahoma, $15,600,000.
Wright-Patterson Air Force Base, Ohio, $15,500,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $6,500,000.
Eglin Air Force Base, Florida, $5,100,000.
Hanscom Air Force Base, Massachusetts, $8,600,000.
Johnson Space Center, Texas, $12,400,000.
Maui Optical Site, Hawaii, $3,650,000.
White Sands Missile Range, New Mexico, $2,100,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Mississippi, $840,000.
Lackland Air Force Base, Texas, $5,400,000.
Laughlin Air Force Base, Texas, $4,500,000.
Mather Air Force Base, California, $1,650,000.
Maxwell Air Force Base, Alabama, $6,600,000.
Sheppard Air Force Base, Texas, $2,050,000.
Vance Air Force Base, Oklahoma, $1,500,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Alaska, $13,400,000.

MILITARY AIRLIFT COMMAND

Andrews Air Force Base, Maryland, $1,190,000.
Kirtland Air Force Base, New Mexico, $2,170,000.
Little Rock Air Force Base, Arkansas, $510,000.
McChord Air Force Base, Washington, $4,100,000.
Pope Air Force Base, North Carolina, $5,400,000.
Richards-Gebaur Air Force Base, Missouri, $1,100,000.
Scott Air Force Base, Illinois, $10,060,000.
Travis Air Force Base, California, $6,300,000.

STRATEGIC AIR COMMAND

Castle Air Force Base, California, $5,300,000
Ellsworth Air Force Base, South Dakota, $17,000,000.
Grand Forks Air Force Base, North Dakota, $4,900,000.
Griffiss Air Force Base, New York, $8,080,000.
Grissom Air Force Base, Indiana, $4,700,000.
K. I. Sawyer Air Force Base, Michigan, $5,200,000.
March Air Force Base, California, $6,600,000.
Minot Air Force Base, North Dakota, $5,100,000.
Offutt Air Force Base, Nebraska, $2,190,000.
Vandenberg Air Force Base, California, $122,800,000.
Various Locations, $14,200,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $7,850,000.
Cannon Air Force Base, New Mexico, $5,750,000.
Davis-Monthan Air Force Base, Arizona, $5,540,000.
England Air Force Base, Louisiana, $6,390,000.
George Air Force Base, California, $18,350,000.

Holloman Air Force Base, New Mexico, $2,600,000.
Homestead Air Force Base, Florida, $9,870,000.
Langley Air Force Base, Virginia, $2,500,000.
MacDill Air Force Base, Florida, $2,350,000.
Moody Air Force Base, Georgia, $1,990,000.
Mountain Home Air Force Base, Idaho, $60,000.
Myrtle Beach Air Force Base, South Carolina, $970,000.
Nellis Air Force Base, Nevada, $3,690,000.
Seymour Johnson Air Force Base, North Carolina, $2,650,000.
Shaw Air Force Base, South Carolina, $2,780,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $1,950,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Thule Air Base, Greenland, $3,150,000.

AIR FORCE SYSTEMS COMMAND

Mahe Tracking Station, Seychelle Islands, $550,000.
Various Locations, $2,350,000.

MILITARY AIRLIFT COMMAND

Roberts International Airport, Liberia, $4,950,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, $1,100,000.
Kunsan Air Base, Korea, $4,010,000.
Osan Air Base, Korea, $20,080,000.
Taegu Air Base, Korea, $510,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Canal Zone, $4,485,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, Various Locations, $13,990,000.
United Kingdom, Various Locations, $14,920,000.
Various Locations, $10,770,000.

EMERGENCY CONSTRUCTION

SEC. 302. The Secretary of the Air Force may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons development, (3) new and unforeseen research and development requirements, (4) improved production schedules, or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $20,000,000. The Secretary of the Air Force, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire on October 1, 1980, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1981, whichever is later, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

Notification to congressional committees.

Authorization expiration.

MINOR CONSTRUCTION

SEC. 303. The Secretary of the Air Force is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $29,310,000.

REALLOCATION OF PREVIOUSLY AUTHORIZED FUNDS TO NATO INFRASTRUCTURE

SEC. 304. (a) Section 301 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 368), is amended by striking out "$97,905,000" in the item relating to the authorization for acquisition and construction at various locations under the heading "UNITED STATES AIR FORCES IN EUROPE" and inserting in lieu thereof "$77,905,000".

(b) Section 602(3) of such Act is amended by striking out "$147,942,000" and "$421,249,000" and inserting in lieu thereof "$127,942,000" and "$401,249,000", respectively.

91 Stat. 374.

INCREASE IN AUTHORIZATION FOR AEROSPACE CORPORATION

SEC. 305. Section 301 of the Military Construction Authorization Act, 1975 (Public Law 93-552; 88 Stat. 1754), is amended by striking out "$9,000,000" in the item relating to the authorization for acquisition and construction for the Aerospace Corporation at Los Angeles, California, and inserting in lieu thereof "$20,500,000".

CONTRIBUTION FOR UPGRADING WASTE TREATMENT FACILITIES AT LITTLE ROCK, ARKANSAS

SEC. 306. (a) Subject to subsection (b), the Secretary of the Air Force is authorized to contribute to the appropriate local authorities the sum of $2,400,000 for the share of the Department of Defense for the upgrading of the waste treatment facility that serves Little Rock Air Force Base, Little Rock, Arkansas.

(b) No amount may be contributed pursuant to the authorization in subsection (a) until (1) the President, after consideration of the decision of the Comptroller General relating to Federal facility contributions to capital costs of sewage treatment projects, dated October 4, 1979, determines whether, in order to comply with the Federal Water Pollution Control Act, the Federal share of the cost of upgrading local waste treatment facilities shall be borne solely through grants from the Environmental Protection Agency or through contributions by the Federal departments and agencies

Presidential determination, transmittal to congressional committees.

using such facilities, and (2) a copy of the decision of the President is transmitted to the Committees on Armed Services of the Senate and House of Representatives.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for defense agencies for the following acquisition or construction:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Depot, Memphis, Tennessee, $670,000.
Fuel Terminal, Ozol, California, $3,650,000.
Fuel Terminal, Escanaba, Michigan, $600,000.

DEFENSE MAPPING AGENCY

Defense Mapping Agency Hydrographic/Topographic Center, Bethesda, Maryland, $825,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $2,800,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Wake Island Air Force Base, $11,400,000.

OFFICE OF THE SECRETARY OF DEFENSE

DEPARTMENT OF DEFENSE OFFICE OF DEPENDENTS' EDUCATION

Alconbury Royal Air Force, United Kingdom, $2,340,000.
Atsugi Naval Air Facility, Japan, $580,000.
Bad Hersfeld, Germany, $770,000.
Baumholder, Wetzel Housing Area, Germany, $1,920,000.
Grafenwoehr, Germany, $1,640,000.
Keflavik Naval Air Station, Iceland, $1,700,000.
Ludwigsburg, Germany, $570,000.
Pruem Air Station, Germany, $1,000,000.
Schwaebisch Gmuend, Germany, $575,000.
Seoul, Yongsan, Korea, $3,290,000.
Soesterberg, Camp New Amsterdam, Netherlands, $3,300,000.
Yokota East Air Base, Japan, $2,450,000.

NORTH ATLANTIC TREATY ORGANIZATION

INFRASTRUCTURE

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations (including international military headquarters) for the collective defense of the North Atlantic Treaty Area, $185,000,000. Within thirty days after the end of each calendar-year quarter, the Secretary of Defense shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred by the United States for the United States share of the cost of such multilateral programs.

Description of obligations, transmittal to congressional committees.

EMERGENCY CONSTRUCTION

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $15,000,000. The Secretary of Defense, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section including real estate actions pertaining thereto.

Construction costs, notification to congressional committees.

MINOR CONSTRUCTION

SEC. 403. The Secretary of Defense is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $5,250,000.

DEFICIENCY AUTHORIZATION FOR HIGH ENERGY LASER FACILITY, WHITE SANDS, NEW MEXICO

SEC. 404. (a) Section 401 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 369), is amended by striking out "$33,449,000" in the item relating to the High Energy Laser Facility at White Sands, New Mexico, and inserting in lieu thereof "$40,749,000".

(b) Section 602(4) of such Act is amended by striking out "$55,909,000" and inserting in lieu thereof "$63,209,000".

91 Stat. 374.

INCREASE IN PRIOR YEAR AUTHORIZATION FOR NATO INFRASTRUCTURE

SEC. 405. (a) Section 401 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 576), is amended by striking out "$120,000,000" in the item relating to North Atlantic Treaty Organization Infrastructure and inserting in lieu thereof "$140,000,000".

(b) Section 602(4) of such Act is amended by striking out "$217,610,000" and inserting in lieu thereof "$237,610,000".

92 Stat. 580.

TITLE V—MILITARY FAMILY HOUSING AND HOMEOWNERS ASSISTANCE PROGRAM

AUTHORIZATION TO CONSTRUCT OR ACQUIRE HOUSING

Secretary of HUD, consultation.

SEC. 501. (a) The Secretary of Defense, or the Secretary's designee, is authorized to construct or acquire sole interest in existing family housing units in the numbers and at the locations hereinafter named, but no family housing construction shall be commenced at any such location in the United States until the Secretary shall have consulted with the Secretary of Housing and Urban Development as to the availability of suitable private housing at such location. If agreement cannot be reached with respect to the availability of suitable private housing at any location, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Notification to congressional committees.

Cost limitations.

(b) With respect to the family housing units authorized to be constructed by this section, the Secretary of Defense is authorized to acquire sole interest in privately owned or Department of Housing and Urban Development held family housing units in lieu of constructing all or a portion of the family housing authorized by this section, if he, or his designee, determines such action to be in the best interests of the United States, but any family housing units acquired under authority of this subsection shall not exceed the cost limitations specified in this section for the project nor the limitations on size specified in section 2684 of title 10, United States Code. In no case may family housing units be acquired under this subsection through the exercise of eminent domain authority, and in no case may family housing units other than those authorized by this section be acquired in lieu of construction unless the acquisition of such units is hereafter specifically authorized by law.

(c) Family housing units:

Fort MacArthur, California, two hundred units, $11,500,000.

Tinker Air Force Base, Oklahoma, three hundred thirty-two units, $12,000,000.

(d) The amount specified in this section may, at the discretion of the Secretary of Defense, or the Secretary's designee, be increased by 10 per centum, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. The amounts authorized include the costs of shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family housing unit, design, supervision, inspection, overhead, land acquisition, site preparation, and installation of utilities.

LEASING OF FAMILY HOUSING

SEC. 502. (a) Section 2686(c) of title 10, United States Code, relating to leases for military family housing, is amended by striking out "$300" in clause (1)(A) and inserting in lieu thereof "$310".

(b) Section 2675(d) of title 10, United States Code, relating to leases in foreign countries, is amended—

(1) by striking out "$485" and "$850" in the first sentence of paragraph (1) and inserting in lieu thereof "$550" and "$970", respectively; and

(2) by striking out "18,000" in paragraph (2) and inserting in lieu thereof "17,000".

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. (a) There is authorized to be appropriated for fiscal year 1980 for use by the Secretary of Defense, or the Secretary's designee, for military family housing as authorized by law for the following purposes:

(1) For construction of, or acquisition of sole interest in, family housing, including minor construction, an amount not to exceed $15,000,000, and for planning, an amount not to exceed $900,000.

(2) For support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m), an amount not to exceed $1,662,525,000.

(3) For homeowners assistance under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), including acquisition of properties, an amount not to exceed $5,000,000.

(b) The amounts authorized to be appropriated in subsection (a) may be increased to the extent additional funds are appropriated to defray increased pay costs associated with actions taken pursuant to law.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND ADMINISTRATIVE PROVISIONS

WAIVER OF RESTRICTIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or lands includes authority to make surveys and to acquire land and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There are authorized to be appropriated for fiscal year 1980 such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: inside the United States $552,925,000; outside the United States $162,950,000; minor construction $52,270,000; for a total of $768,145,000;

(2) for title II: inside the United States $400,990,000; outside the United States $55,440,000; minor construction $33,160,000; for a total of $489,590,000;

(3) for title III: inside the United States $432,530,000; outside the United States $80,865,000; minor construction $29,310,000; for a total of $542,705,000;

(4) for title IV: a total of $245,330,000, including $5,250,000 for minor construction; and

(5) for title V: military family housing and homeowners assistance program, $1,694,925,000, including $3,000,000 for minor construction.

COST VARIATIONS

SEC. 603. (a) OVERALL TITLE TOTAL LIMITATION.—Notwithstanding the provisions of subsections (b), (c), (d), and (g), the total cost of all construction and acquisition in each of titles I, II, III, and IV may not exceed the total amount authorized to be appropriated in that title.

(b) VARIATIONS IN INSTALLATION TOTALS—UNUSUAL VARIATIONS IN COST.—Except as provided in subsections (c) and (d), any of the amounts specified in titles I, II, III, and IV of this Act (other than in sections 103, 203, 303, and 403) may, at the discretion of the Secretary of the military department or Director of the defense agency concerned, be increased by 5 per centum when inside the United States (other than Alaska or Hawaii), and by 10 per centum when outside the United States or in Alaska or Hawaii, if the Secretary of the military department or Director of the defense agency concerned determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress.

(c) VARIATIONS IN INSTALLATION TOTALS—ONLY ONE PROJECT AT AN INSTALLATION.—When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of the military department or Director of the defense agency concerned determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (b), the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

Report to congressional committees.

(d) VARIATIONS IN INSTALLATION TOTALS—REPORTS BY THE SECRETARY OF DEFENSE.—When the Secretary of Defense determines that any amount named in title I, II, III, or IV of this Act must be exceeded by more than the percentages permitted in subsections (b) and (c) to accomplish authorized construction or acquisition, the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition after a written report of the facts relating to the increase of such amount, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (1) thirty days have elapsed from the date of submission of such report, or (2) both committees have indicated approval of such construction or acquisition. Notwithstanding the provisions in prior Military Construction Authorization Acts, the provisions of this subsection shall apply to such prior Acts.

(e) Cost and Scope Variations of Individual Projects; Reports to Congress.—No individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation for which the current working estimate is greater than the statutory upper limit for minor construction projects, may be placed under contract if—

Report to congressional committees.

(1) the approved scope of the project is reduced in excess of 25 per centum; or

(2) the current working estimate, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress;

until a written report of the facts relating to the reduced scope or increased cost of such project, including a statement of the reasons for reduction in scope or increase in cost, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either thirty days have elapsed from the date of submission of such report, or both committees have indicated approval of such reduction in scope or increase in cost, as the case may be.

(f) Annual Report to Congress.—The Secretary of Defense, or the Secretary's designee, shall submit an annual report to the Congress identifying each individual project (other than a project authorized under section 103, 203, 303, or 403) which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced by more than 25 per centum in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

(g) Cost and Floor Area Variations—Solar Energy.—The Secretary of Defense shall encourage the utilization of solar energy as a source of energy for projects authorized by this Act where utilization of solar energy would be practical and economically feasible. In order to equip any project authorized by this Act with solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment, the Secretary of Defense may authorize increases in the cost limitations or floor area limitations for such project by such amounts as may be necessary for such purpose. Any increase under this section in the cost or floor area of a project authorized by this Act shall be in addition to any other increase in such cost or variation in floor area limitations authorized by this or any other Act.

CONSTRUCTION SUPERVISION

Sec. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army; the Naval Facilities Engineering Command, Department of the Navy; or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplish-

Report to Congress.

ment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder. Such reports shall also show, in the case of the ten architect-engineering firms which, in terms of total dollars, were awarded the most business; the names of such firms; the total number of separate contracts awarded each firm; and the total amount paid or to be paid in the case of each such action under all such contracts awarded such firm.

10 USC 2301 *et seq.*
Report to Congress.

REPEAL OF PRIOR YEAR AUTHORIZATIONS; EXCEPTIONS

SEC. 605. (a) As of October 1, 1980, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1981, whichever is later, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 565), and all such authorizations contained in Acts approved before September 8, 1978, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions; and

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before October 1, 1980, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1981, whichever is later, and authorizations for appropriations therefor.

(b) Notwithstanding the repeal provisions of subsection (a) of this section and section 605 of the Military Construction Authorization Act, 1979 (Public Law 95-356, 92 Stat. 583), authorizations for the following items shall remain in effect until October 1, 1981, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1982, whichever is later:

(1) Barracks Complex—Trainee construction in the amount of $14,967,000 at Fort Benning, Georgia, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(2) Brooke Army Medical Center Hospital alteration in the amount of $10,000,000 at Fort Sam Houston, Texas, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(3) Reception Station construction in the amount of $5,886,000 at Fort Benning, Georgia, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(4) POMCUS Maintenance Complexes in the amount of $33,768,000 at Kaiserslautern, Pirmasens, Germersheim, Gerzweski Barracks, Mannheim, Miesau, Nahbollenbach, and Neureut Kaserne, all in Germany, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 360).

(5) Morse Training Building construction in the amount of $2,400,000 at Naval Technical Training Center, Pensacola, Florida, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 362).

(6) Medical/Dental Branch Clinic construction in the amount of $4,350,000 at the Navy Regional Medical Center, Pearl Harbor, Hawaii (Naval Station, Midway Island), authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 362).

(7) Relocation of the weapons range from the Culebra Complex in the amount of $12,000,000 for the Atlantic Fleet Weapons Range, Roosevelt Roads, Puerto Rico, authorized in section 204 of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668) and extended in section 605(b)(H) of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 565) and in section 605(b)(4) of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 376).

(8) Industrial Waste Collection in the amount of $2,650,000 at the Naval Torpedo Station, Keyport, Washington, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 363).

(9) Municipal Sewer Connection in the amount of $2,100,000 for the Long Beach Naval Shipyard, Long Beach, California, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 369).

91 Stat. 363.

(10) Municipal Sewer Connection in the amount of $4,150,000 for the Navy Public Works Center, Norfolk, Virginia, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 363).

(11) Municipal Sewer Connection in the amount of $2,200,000 for the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 363).

(12) Alter Sewage Treatment and Disposal Facilities in the amount of $631,000 at King Salmon Airport, Alaska, authorized in section 301 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 366).

(13) Small Aircraft Maintenance Facility in the amount of $1,928,000 for Moody Air Force Base, Georgia, authorized in section 301 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 367).

(14) High Energy Laser Facility construction in the amount of $33,449,000 at White Sands, New Mexico, authorized in section

401 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 369).

(15) CIDC Field Operations Building at Fort Hood, Texas, in the amount of $890,000 authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(16) Radar Operations Facility at Redstone Arsenal, Alabama, in the amount of $962,000 authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 359).

UNIT COST LIMITATIONS

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $48 per square foot for permanent barracks; or

(2) $52 per square foot for unaccompanied officer quarters; unless the Secretary of Defense, or the Secretary's designee, determines that, because of special circumstances, application to such project of the limitations on unit cost contained in this section is impracticable. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of the enactment of this Act.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

10 USC 2231 *et seq.*

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $18,237,000; and

(B) for the Army Reserve, $24,824,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $16,090,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $29,500,000; and

(B) for the Air Force Reserve, $9,500,000.

WAIVER OF CERTAIN RESTRICTIONS

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

CONTRIBUTIONS FOR GUARD AND RESERVE FORCES FACILITIES

SEC. 703. Section 2233 of title 10, United States Code, is amended—

(1) by striking out "and" after clause (3);

(2) by striking out the period at the end of clause (4) and inserting in lieu thereof: "; and"; and

(3) by adding at the end thereof the following new clause:

"(5) contribute to any State or Territory, Puerto Rico, or the District of Columbia, such amounts for the acquisition, construction, expansion, rehabilitation, or conversion by the failure of existing facilities to meet the purposes of this chapter. A contribution made for an armory may not be more than 75 percent of the cost of construction of which it is applied.".

INCREASE IN MAXIMUM CONTRIBUTION FOR GUARD AND RESERVE FORCES FACILITIES WITHOUT NOTIFICATION TO CONGRESS

SEC. 704. Paragraph (1) of section 2233a of title 10, United States Code, is amended by striking out "$100,000" and inserting in lieu thereof "$175,000".

TITLE VIII—GENERAL PROVISIONS

REVISIONS TO MINOR CONSTRUCTION AUTHORITY

SEC. 801. Section 2674 of title 10, United States Code, relating to minor construction, is amended—

(1) by adding at the end of subsection (b) the following new sentence: "Approvals under the preceding sentence are not required for projects at specified locations that have been identified in the annual military construction program submitted by the Department of Defense to the Committees on Armed Services of the Senate and the House of Representatives."; and

(2) by adding at the end of subsection (f) the following new sentence: "Such notice is not required for projects at specified locations that have been identified in the annual military construction program submitted by the Department of Defense to the Committees on Armed Services of the Senate and the House of Representatives.".

AMENDMENT WITH RESPECT TO DEVELOPMENT OF SOURCES OF ENERGY ON MILITARY LANDS

SEC. 802. Section 803 of the Military Construction Authorization Act, 1979 (30 U.S.C. 1002a), is amended as follows:

(1) The section heading is amended to read as follows:

"DEVELOPMENT OF SOURCES OF ENERGY ON OR FOR MILITARY INSTALLATIONS".

30 USC 1002a.

(2) Subsection (b)(1) is amended by inserting "or on private property" after "jurisdiction".

USE OF ROI-NAMUR ISLAND

SEC. 803. (a) The Secretary of Defense may pay to the owners of the land of Roi-Namur Island, Marshall Islands District of the Trust Territory of the Pacific Islands, such amount as the Secretary of Defense determines to be in the public interest for the use after 1960 of Roi-Namur Island by the Government of the United States.

Effective date.

(b) Subsection (a) shall take effect on October 1, 1979, and shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

USE OF SOLAR ENERGY SYSTEMS IN NEW CONSTRUCTION

SEC. 804. (a)(1) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2688.

"§ 2688. Use of solar energy systems in new facilities

"(a) The Secretary of Defense shall require that all new facilities (including family housing) placed under design after the date of the enactment of the Military Construction Authorization Act, 1980, shall include consideration of solar energy systems in those cases in which solar energy has the potential to save fossil-fuel-derived energy. All contracts for construction resulting from such design shall include the requirement to furnish and install solar energy systems if such systems can be shown to be cost effective.

"(b) For the purposes of this section, a solar energy system shall be considered to be cost effective if the original investment cost differential can be recovered over the expected life of the facility.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2688. Use of solar energy systems in new facilities.".

(b) Section 804 of the Military Construction Authorization Act, 1979 (42 U.S.C. 5504a), is repealed.

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS WITH RESPECT TO CERTAIN BASE CLOSURES AND REALIGNMENTS

SEC. 805. (a) No action with respect to the closure of, or the realignment of, the Army Training Command at Fort Dix, New Jersey, may be taken unless and until the Secretary of the Army has prepared an environmental impact statement in accordance with the requirements of the National Environmental Policy Act of 1969 with respect to the proposed closure or realignment. Such environmental impact statement shall place special emphasis on socio-economic factors in the affected area.

(b) No action with respect to the closure of, or the realignment of, the Air Training Command at Goodfellow Air Force Base, San Angelo, Texas, may be taken unless and until the Secretary of the Air Force has prepared an environmental impact statement in accordance with the requirements of the National Environmental Policy Act of 1969 with respect to the proposed closure or realignment. Such

best copy available

environmental impact statement shall place special emphasis on socio-economic factors in San Angelo, Texas, and the affected area.

(c) No action with respect to the closure of, or the realignment of, Fort Indiantown Gap, Annville, Pennsylvania, may be taken unless and until the Secretary of the Army has prepared an environmental impact statement in accordance with the requirements of the National Environmental Policy Act of 1969 with respect to the proposed closure or realignment. Such environmental impact statement shall place special emphasis on socio-economic factors in the affected area.

(d) No action with respect to the closure of, or the realignment of, New Cumberland Army Depot, New Cumberland, Pennsylvania, may be taken unless and until the Secretary of the Army has prepared an environmental impact statement in accordance with the requirements of the National Environmental Policy Act of 1969 with respect to the proposed closure or realignment. Such environmental impact statement shall place special emphasis on socio-economic factors in the affected area.

(e) No action with respect to the closure of, or the realignment of, Fort Monroe, Hampton, Virginia, may be taken unless and until the Secretary of the Army has prepared an environmental impact statement in accordance with the requirements of the National Environmental Policy Act of 1969 with respect to the proposed closure or realignment. Such environmental impact statement shall place special emphasis on socio-economic factors in the affected area.

LEASE OF REMAINING PORTION OF FORMER ENT AIR FORCE BASE TO THE UNITED STATES OLYMPIC COMMITTEE

SEC. 806. The Secretary of the Air Force is authorized to lease the excess 5.6 acres of land and improvements on the remaining portion of the former Ent Air Force Base, Colorado Springs, Colorado, to the United States Olympic Committee.

USE OF MASS TRANSIT ON MILITARY INSTALLATIONS

SEC. 807. (a) Subsection (a) of section 2632 of title 10, United States Code, is amended to read as follows:

"(a) Whenever the Secretary of a military department determines that it is necessary for the effective conduct of the affairs of that department, he may, at reasonable rates of fare under regulations to be prescribed by the Secretary of Defense, provide assured and adequate transportation by motor vehicle or water carrier—

"(1) among places on any military installation (including any subinstallation thereof) under the jurisdiction of that department; and

"(2) to and from their places of employment—

"(A) for persons attached to, or employed in, that department; and

"(B) during a war or national emergency declared by the Congress or the President, for persons attached to, or employed in, a private plant that is manufacturing material for that department.".

(b) Subsection (b) of such section is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(2)";

(3) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(4) by adding at the end thereof the following new paragraph:

"(2)(A) The Secretary of Defense shall require that, in determining whether to provide transportation at any military installation under subsection (a)(1), the Secretary of the military department concerned shall give careful consideration to the potential for saving energy and reducing air pollution.

"(B) In providing transportation at any military installation under such subsection, the Secretary of the military department concerned may not require any fare for the transportation of members of the armed forces if the transportation is incident to training or other operational activities on such installation.

"(C) The authority under subsection (a)(1) to enter into contracts under which the United States is obligated to make outlays shall be effective for any fiscal year only to the extent that the budget authority for such outlays is provided in advance by appropriation Acts.".

(c)(1) The heading of such section is amended to read as follows:

"§ 2632. Transportation to and from certain places of employment and on military installations".

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows: *10 USC 2631 et seq.*

"2632. Transportation to and from certain places of employment and on military installations.".

BOLLING AIR FORCE BASE EXTENSION

SEC. 808. Section 607(b) of the Military Construction Authorization Act, 1966 (Public Law 89-188; 79 Stat. 818), is amended by striking out "January 1, 1980" both places it appears and inserting in lieu thereof "October 1, 1984".

LAND CONVEYANCE, SAN DIEGO, CALIFORNIA

SEC. 809. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to acquire, by condemnation or otherwise, all right, title, and interest of the city of San Diego, California (hereinafter in this section referred to as the "City"), in and to a tract of land consisting of 40 acres, more or less, in the Balboa Park in San Diego, California. Land acquired pursuant to this section shall be used as the site for construction of any new Navy hospital or medical center that is authorized to be constructed in the greater San Diego area after the date of the enactment of this Act and for related purposes.

(b) The Secretary is authorized to convey to the City, in consideration for the acquisition under subsection (a), all right, title, and interest of the United States in and to all or any part of the real property (including improvements thereon) of the Naval Regional Medical Center, San Diego, that has been conveyed, leased, or otherwise made available to the United States by the City.

(c) The exact acreage and legal description of any land acquired or conveyed under this section shall be determined by surveys which are satisfactory to the Secretary.

(d) The authority of the Secretary to obligate funds under this section shall be effective only to the extent that appropriated funds are available for that purpose.

LAND CONVEYANCE, TUSTIN, CALIFORNIA

SEC. 810. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Irvine Company, a Michigan corporation, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 84 acres located in the northeastern portion of the Marine Corps Air Station (Helicopter), Tustin, California, together with the improvements on such land. Such conveyance shall be made subject to such terms and conditions as the Secretary considers to be in the public interest.

(b) In consideration for the conveyance by the Secretary under subsection (a), the Irvine Company shall—

(1) convey to the United States land and interests in land that the Secretary considers to be equivalent in value to the land conveyed by the Secretary under subsection (a) and that are otherwise acceptable to the Secretary,

(2) pay the costs of relocating the Military Affiliate Radio Station (MARS) radio facilities and the skeet range facilities located on the land conveyed under subsection (a), and

(3) pay all costs of surveys, appraisals, and evidence of title involved in both such conveyances.

(c) The exact acreages and legal descriptions of the lands to be conveyed under subsections (a) and (b) shall be determined by surveys which are satisfactory to the Secretary.

(d) The Secretary is authorized to accept any land conveyed under subsection (b), and any such land shall be administered by the Secretary.

LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA

SEC. 811. (a) The Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to acquire by exchange all right, title, and interest of the Charleston County Aviation Authority (hereinafter in this section referred to as the "Authority") in and to a replacement hazardous cargo handling area to be constructed by the Authority at the Charleston County Airport, South Carolina, for the Air Force.

(b) As consideration for the acquisition under subsection (a), the Secretary is authorized to convey to the Authority all right, title, and interest of the United States in and to land (and improvements thereon) having a fair market value not more than the fair market value of the property to be acquired.

(c) The exact acreages and legal descriptions of the properties to be acquired or conveyed under this section shall be determined by surveys which are satisfactory to the Secretary and to the Authority.

LAND EXCHANGE, KING COUNTY, WASHINGTON

SEC. 812. (a)(1) Subject to subsection (b), the Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to convey to King County, Washington, all right, title, and interest of the United States in and to that parcel of land, together with improvements thereon, at Boeing Field, Seattle, Washington, occupied on the date of the enactment of this Act (under a lease from the Department of the Air Force) by the 143d Combat Squadron, Washington Air National Guard.

(2) The conveyance authorized by paragraph (1) shall be made subject to such terms and conditions as the Secretary determines

necessary to protect the interests of the United States, but in no event may be made until a replacement facility for the 143d Combat Squadron, Washington Air National Guard, has been made available in accordance with subsection (b).

Funds, availability.

(b) In consideration for the conveyance authorized under subsection (a), King County shall—

(1) make available to the Secretary a leasehold interest in land acceptable to the Secretary as a site for a replacement facility for such Air National Guard unit, together with funds in an amount sufficient to purchase or make improvements on such land for such replacement facility; or

(2) convey to the United States unencumbered fee simple title to land in the area of Seattle, Washington, which contains improvements acceptable to the Secretary as a replacement facility for such Air National Guard unit.

(c) Any funds made available under subsection (b)(1), and any land conveyed under subsection (b) (1) or (2), shall be subject to terms and conditions to be agreed upon by the Secretary and King County and which the Secretary considers to be in the public interest.

(d) If the cost of the replacement facility provided under subsection (b)(1) is less than the fair market value of the existing facility of such Air National Guard unit, King County shall pay the amount of the difference to the United States, and such amount shall be deposited in the Treasury as miscellaneous receipts.

LAND CONVEYANCE, HUNTSVILLE, ALABAMA

SEC. 813. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey, without monetary consideration, to the Alabama Space Science Exhibit Commission (an agency of the State of Alabama) all right, title, and interest of the United States in and to the real property described in subsection (c). Any real property conveyed under the preceding sentence shall be conveyed for use as a permanent site, in addition to the real property conveyed under Public Law 90-276, for the Alabama Space Science Exhibit.

82 Stat. 68.

(b) The conveyance authorized by subsection (a) shall be subject—

(1) to the condition that the real property so conveyed shall be used by the State of Alabama (A) as a permanent site for an Alabama Space Science Exhibit to display suitable public exhibits of United States weaponry and allied subjects, developments of the National Aeronautics and Space Administration, and space-oriented exhibits of other United States Government departments, agencies, and instrumentalities, (B) for educational and recreational purposes related to the purposes described in subclause (A), or (C) for the purposes described in subclauses (A) and (B);

(2) to the condition that if such property is not used for one or more of the purposes described in subclause (A) or (B), all right, title, and interest in and to such real property shall revert to the United States, which shall have the right of immediate entry thereon; and

(3) to such other conditions as the Secretary may prescribe to protect the interest of the United States.

(c)(1) The real property referred to in subsection (a) is a certain tract or parcel of land containing 300 acres more or less (less that land occupied on the date of the enactment of this Act by the Department of the Navy), lying within range 1 west, township 4 south, parts of sections 8 and 9, and more particularly described as beginning at the established northeast corner of the Alabama Space and Rocket Center, running east along the Redstone Arsenal northern boundary, thence south along the Redstone Arsenal eastern boundary to a point north of the northwest corner of the intersection of Patton Road and Goss Road, thence west parallel to the north site of Goss Road to MacDonald Creek, thence northwesterly parallel to the east bank of the creek to the northern line of the Tennessee Valley Authority easement, thence west along the easement to the Alabama Space and Rocket Center established corner, thence north and east along the Alabama Space and Rocket Center boundary to point of beginning.

(2) The exact description of such property shall be determined by a survey approved by the Secretary.

(d)(1) The real property conveyed by the United States to the Alabama Space Science Exhibit Commission under the authority of Public Law 90-276 may, in addition to the use authorized by section 3 of such Public Law, be used for educational and recreational purposes related to the use authorized by such section. 82 Stat. 68.

(2) Use of such property under this section shall be subject to the same condition as the condition prescribed in section 3 of such Public Law.

TECHNICAL AMENDMENT TO THE MILITARY CONSTRUCTION AUTHORIZATION ACT, 1979

SEC. 814. Section 603(a) of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 565), is amended by striking out "(a), (b), (c)" and inserting in lieu thereof "(b), (c), (d)". 92 Stat. 580.

Approved November 26, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-149 accompanying H.R. 3947 (Comm. on Armed Services) and No. 96-595 (Comm. of Conference).

SENATE REPORTS: No. 96-209 (Comm. on Armed Services), No. 96-259 (Comm. on Labor and Human Resources), and No. 96-409 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

July 12, 30, considered and passed Senate.

Oct. 24, H.R. 3947 considered and passed House; passage vacated and S. 1319, amended, passed in lieu.

Nov. 9, Senate agreed to conference report.

Nov. 16, House agreed to conference report.

Public Law 96-126
96th Congress

An Act

Nov. 27, 1979
[H.R. 4930]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes.

Department of the Interior and related agencies appropriations for fiscal year 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

LAND AND WATER RESOURCES

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $301,896,000.

ACQUISITION, CONSTRUCTION, AND MAINTENANCE

For acquisition of lands and interests therein, and construction and maintenance of buildings, recreation facilities, roads, trails, and appurtenant facilities, $16,343,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 1601), $108,000,000, of which not to exceed $315,000 shall be available for administrative expenses: *Provided,* That this appropriation may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876): *Provided further*, That not less than $62,700,000 available from receipts shall be obligated in fiscal year 1980 for Oregon and California grant lands.

Transfer of funds.

43 USC 1181f.

RANGE IMPROVEMENTS

For rehabilitation, protection, and improvement of Federal range lands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), sums equal to fifty percent of all monies received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than $10,000,000 (430 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended.

43 USC 1751.

43 USC 315b, 315m.

43 USC 1901.

RECREATION DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

For recreation management activities and for construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $300,000, to be derived from the special receipt accounts established by section 4(f) of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6a(f)), as amended.

16 USC 460*l*-6a.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701); and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

43 USC 1734, 1735, 1764.

30 USC 185.

43 USC 1652.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act.

43 USC 1737.

43 USC 1721.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, insurance on official motor vehicles, aircraft, and boats operated by the Bureau of Land Management in Canada; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; $10,000 for payment, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection of lands for the State of Alaska: *Provided further,* That the Secretary of the Interior and Secretary of Agriculture shall (a) review Federal agricultural financial assistance programs to determine to what extent such programs provide opportunities to assist livestock operators adversely affected by reductions in grazing allotments on public rangelands, as defined in the section 3 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902); and (b) submit the results of this review to the Committees on Appropriations of the House of Representatives and the Senate within ninety days of the effective date of this Act, together with details on available programs, opportunities for more effective use of such programs, additional budget requirements needed to augment such programs, and any legislation needed to improve opportunities for assistance: *Provided further,* That the Secretary of the Interior shall develop criteria for extending, on a case-by-case basis, the period allowed for phased livestock reductions on public rangelands administered through the Bureau of Land Management up to five years. Such criteria shall take into account available agricultural assistance programs, the magnitude of projected livestock reductions, alternative pasturage available and ability of such public rangelands to sustain such phasing in of livestock reductions without damage to rangeland productivity: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within 30 days after receipt of a final grazing allotment decision or 90 days after the effective date of this Act in the case of reductions ordered during 1979, whichever occurs later. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within 2 years after the appeal is filed.

Review, transmittal of results to congressional committees.

43 USC 1752 note.

OFFICE OF WATER RESEARCH AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Research and Development Act of 1978 (Public Law 95-467) and provisions of the Water Research and Development Act of 1977, as amended (42 U.S.C. 1959-1959i), $30,781,000, of which $11,464,000 shall remain available for obligation until September 30, 1981.

92 Stat. 1305.
42 USC 7801 note.
92 Stat. 1316.
91 Stat. 400.

FISH AND WILDLIFE AND PARKS

HERITAGE CONSERVATION AND RECREATION SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Heritage Conservation and Recreation Service, not otherwise provided for, $15,351,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625) $125,000,000, to remain available until expended.

92 Stat. 3538.
16 USC 2501 note.

LAND AND WATER CONSERVATION FUND

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including $7,393,000 for administrative expenses of the Heritage Conservation and Recreation Service during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, not to exceed $509,194,000, of which (1) not to exceed $300,000,000 shall be available for payments to the States in accordance with section 6(c) of said Act; (2) not to exceed $2,750,000 shall be available to the Bureau of Land Management; (3) not to exceed $22,373,000 shall be available to the Forest Service; (4) not to exceed $11,750,000 shall be available to the United States Fish and Wildlife Service; (5) not to exceed $152,928,000 shall be available to the National Park Service; and (6) not to exceed $12,000,000 shall be available for land acquisition at Pinelands National Reserve, including $800,000 for planning, only in accordance with the authorization and matching requirements of section 502 of Public Law 95-625: *Provided*, That not to exceed $9,000,000 of the amount provided for State assistance may be available as a contingency reserve to be administered by the Secretary to meet unforeseen needs of the States: *Provided further*, That the $12,500,000 available to the Forest Service in fiscal year 1979 for acquisition of the Kahle and Jennings properties may be used to acquire the Jennings property and other properties in the Tahoe Basin of California and Nevada without regard to the matching requirements and zoning restrictions included in the 1979 appropriations Act.

16 USC 460l-5.
16 USC 460l-8.
16 USC 471i.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $55,000,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1981: *Provided*, That not to exceed fifteen percent of the funds in this appropriation may be used for grants for renovation of State and local government buildings still in use for governmental purposes: *Provided further*, That not to exceed $1,000,000 may be available as a discretionary reserve to be administered by the Secretary for special or innovative preservation programs.

16 USC 470h.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the Heritage Conservation and Recreation Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the Heritage Conservation and Recreation Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, $206,641,000, of which not to exceed $5,000,000 shall remain available until expended: *Provided*, That funds in this appropriation may be used to issue regulations that will permit modification to the habitat of a threatened or endangered species when the net effect of the modification is equal to, favorable to, and not adverse to the protection of the species.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757f); $58,757,000, to remain available until expended: *Provided*, That $4,712,000 shall become available only upon enactment of S. 838 or similar legislation.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k–3, 5), $15,000,000, to remain available until expended.

DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $200,000, to be derived from the special receipt account established by section 4(f) of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6a(f)), as amended. 16 USC 460*l*-6a.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 209 passenger motor vehicles, of which 188 are for replacement only (including 124 for police-type use); purchase of 2 aircraft for replacement only; not to exceed $100,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $75,000; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); insurance on official motor vehicles, aircraft and boats operated by the United States Fish and Wildlife Service in Mexico and Canada; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose, and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis); the acquisition of water rights; expenses necessary for investigations and studies to determine suitability of areas to be included in the National Park System, the designation of wilderness areas, and the management of water resources; the preparation of plans for existing and proposed park and recreation areas; provisions of technical assistance to other Federal agencies, and to States and private institutions in the planning, development, and operation of landmarks, parks and recreation areas; and for financial or other assistance in planning, development, and operation of areas as authorized by law or pursuant to agreements with other Federal agencies, States, or private institutions, including not to exceed $319,000 for the Roosevelt Campobello International Park Commission, $382,775,000: *Provided*, That not to exceed $5,000,000 may be available for operation of the National Visitor Center and of that amount not to exceed $3,500,000 may be used for payment of rent: *Provided further*, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That $105,000 shall be available for the National

National Visitor Center.

16 USC 20b note.

Harpers Ferry, W. Va., assistance.

Park Service to assist the Town of Harpers Ferry, West Virginia, for police force use.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $112,154,000, to remain available until expended: *Provided*, That $15,500,000 shall be available from the Highway Trust Fund to liquidate contract authority provided under section 105(a)(8) of Public Law 94-280 for engineering services, roadway excavation, and pilot boring for the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87.

90 Stat. 427.

87 Stat. 278.

ROAD CONSTRUCTION

(APPROPRIATION TO LIQUIDATE CONTRACT AUTHORITY)

Appropriations previously provided in this account to liquidate contract authority in the amount of $5,552,000 are rescinded.

PLANNING, DEVELOPMENT, AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451); including collection of special recreation use fees, to remain available until expended, $16,217,000, to be derived from the special receipt accounts established by section 4(f) of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6a(f)), as amended.

16 USC 460*l*-6a.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,030,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 216 passenger motor vehicles, of which 172 shall be for replacement only, including not to exceed 105 for police-type use; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations in the National Park System; and to provide insurance on official motor vehicles and aircraft operated by the National Park Service in Mexico and Canada.

ENERGY AND MINERALS

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332, and 1340); classify lands as to mineral character and water and power resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $452,055,000, of which $39,027,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

Cooperation, States or municipalities. 43 USC 50.

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

For necessary expenses in carrying out the provisions of section 104 of Public Law 94-258, $175,627,000, to remain available until expended: *Provided,* That the Secretary of the Interior shall review the rates being charged to the residents of Barrow for natural gas to determine if a proceeding should be instituted to revise such rates.

42 USC 6504. Barrow, Alaska, natural gas rate review.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 23 passenger motor vehicles, of which 18 shall be for replacement only; reimbursement to the General Services Administration for security guard services, contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries;

to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $132,753,000, of which $106,151,000 shall remain available until expended.

HELIUM FUND

Contract authority, rescission. 75 Stat. 246.

Contract authority for "Development and Operation of Helium Properties" provided by Public Law 87-122 for the fiscal year 1980 is rescinded in the amount of $47,500,000.

ADMINISTRATIVE PROVISION

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

30 USC 1201 note.

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, $84,687,000.

ABANDONED MINE RECLAMATION FUND

30 USC 1231 *et seq.*

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, to remain available until expended, $94,916,000, to be derived from receipts of the Abandoned Mine Reclamation Fund.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission) of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order and payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights tribal use areas; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; and for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $789,051,000 of which not to exceed $58,753,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934, shall remain available for obligation until September 30, 1981, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450) shall remain available until September 30, 1981: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531, $5,485,000, to remain available until expended: *Provided further*, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963 as amended by the Act of June 3, 1977 (Public Law 95-40): *Provided further*, That, notwithstanding the provisions of section 6 of the Act of April 16, 1934 (48 Stat. 596), as added by section 202 of the Indian Education Assistance Act (88 Stat. 2213, 2214; 25 U.S.C. 457), funds appropriated pursuant to this or any other Act for fiscal years ending September 30 of 1979 and 1980 may be utilized to reimburse school districts for up to the full per capita cost of educating Indian students (1) who are normally residents of the State in which such school districts are located but do not normally reside in such districts, and (2) who are residing in Federal boarding facilities for the purpose of attending public schools within such districts.

25 USC 452-457.

Contracts.

25 USC 640d-18.

20 USC 2303.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in land; preparation of lands for farming; and architectural and engineering services by contract, including a $5,000,000 interest free loan to the Confederated Tribes of the Warm Springs Reservation of Oregon to be repaid to the Revolving Fund for Loans established in the Bureau of Indian Affairs at the end of a 20-year period after the effective date of this Act, $89,374,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation.

Transfer of funds.

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, and 25 U.S.C. 13, 318a, $66,479,000, to remain available until expended.

ALASKA NATIVE FUND

For transfer to the Alaska Native Fund, in the fourth quarter of fiscal year 1980, to provide for settlement of certain land claims by Natives and Native groups of Alaska, and for other purposes, based on aboriginal land claims, as authorized by the Act of December 18, 1971 (Public Law 92-203), $30,000,000: *Provided*, That for purposes of meeting its obligation under section 6(a)(3) and section 9 of the Alaska Native Claims Settlement Act in connection with the requirement that $500,000,000 be paid into the Alaska Native Fund, any and all revenues paid into such fund by the State of Alaska from sources other than those specified in section 9 of such Act shall, notwithstanding any other provision of law, be construed as payments by the

43 USC 1601 note.

43 USC 1605, 1608.

State of Alaska to the Fund within the meaning of sections 6(a)(3) and 9 of the Alaska Native Claims Settlement Act and credited toward the $500,000,000 to be deposited in the Alaska Native Fund under such sections.

43 USC 1605, 1608.

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391) including cash grants: *Provided,* That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

18 USC 4124 and note.

SALT RIVER PIMA-MARICOPA SETTLEMENT

For settlement of the Salt River Pima-Maricopa Indian Reservation boundary dispute, pursuant to Public Law 95–399, $1,965,000 to be paid to the Salt River Pima-Maricopa Indian Community and $1,952,000 to be paid in accordance with the second sentence of section 5(b)(2): *Provided,* That notwithstanding any other provision of law, the payments provided herein shall constitute a complete release and satisfaction of any claim which any person may have against the United States, the Salt River Pima-Maricopa Indian Community, or holder of any interest with respect to any right, title, or interest in any portion of the parcels of land described in paragraphs 1 through 9 of section 3(b) and/or subparagraphs (A), (B), or (C) of section 3(a)(2) of Public Law 95–399 which are located north of the boundary line referred in section 3(a)(2) of Public Law 95–399.

92 Stat. 851.

92 Stat. 854.

92 Stat. 851.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed 225 passenger carrying motor vehicles of which 122 shall be for replacement only, which may be used for the transportation of Indians; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (25 U.S.C. 309), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions: *Provided,* That no part of any appropriations to the Bureau of Indian Affairs shall be

Chilocco and Seneca boarding schools, Okla., funding restriction.

available to continue academic and residential programs of the Chilocco and Seneca boarding schools, Oklahoma beyond June 15, 1980.

TERRITORIAL AFFAIRS

Office of Territorial Affairs

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, $86,661,000, of which (1) not to exceed $82,589,000 shall be available for grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to Guam, as authorized by law (48 U.S.C. 1428-1428e; Public Law 95-134; 91 Stat. 1161, 1162, 1163; Public Law 95-348; 92 Stat. 487, 488); grants to the Government of the Virgin Islands as authorized by law (Public Law 95-348, 92 Stat. 490); expenses of the Northern Mariana Islands Federal Laws Commission as authorized by law (Public Law 94-241, 90 Stat. 268); direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241, 90 Stat. 272), to remain available until expended; and (2) not to exceed $4,072,000 shall be available for expenses of the offices of the Government Comptroller for the Virgin Islands, the Government Comptroller for Guam, Trust Territory of the Pacific Islands, and the Northern Mariana Islands as authorized by law (Public Law 95-134; 91 Stat. 1161, 1162), and the Government Comptroller for American Samoa, and for salaries and expenses of the Office of Territorial Affairs: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary: *Provided further*, That all financial transactions of the Territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23) as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That of the grants to the Government of the Virgin Islands appropriated herein, $10,000,000 shall become available for obligation only in such amounts as may be equal to funds provided by the Government of the Virgin Islands when the Government Comptroller of the Virgin Islands shall certify that such funds are revenues of the Government of the Virgin Islands from new taxes or increased tax rates enacted subsequent to June 12, 1979.

48 USC 1681 note.

48 USC 1681 note.

48 USC 1401f, 1423*l*, 1665.

48 USC 1470a.

48 USC 1469b.

31 USC 1.

31 USC 65 note.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for the expenses of the High Commissioner of the Trust Territory of the

22 USC 287 note.

48 USC 1681 note.

Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; $113,785,000, and of the amount appropriated under this head in Public Law 95-355, $1,400,000 shall be for an ex gratia payment to the people of Bikini Atoll, to remain available until expended: *Provided,* That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further,* That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further,* That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

92 Stat. 527.

48 USC 1683.

31 USC 1.
31 USC 65 note.
48 USC 1682.

48 USC 1687.

61 Stat. 3302.

PAYMENTS TO THE UNITED STATES TERRITORIES, FISCAL ASSISTANCE

There is hereby appropriated for the fiscal year 1980 and for each fiscal year thereafter, such sums as are authorized to be remitted to the Territories of Guam and the Virgin Islands under sections 1(c) and 4(c)(2) of Public Law 95-348, 92 Stat. 487.

48 USC 1421h, 1645.

SECRETARIAL OFFICES

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $15,741,000.

OFFICE OF THE SECRETARY

DEPARTMENTAL MANAGEMENT

For necessary expenses of the Office of the Secretary of the Interior, including necessary expenses for certain operations that provide departmentwide services, including not less than $9,000,000 for an Office of Construction Management, $49,344,000, of which not to exceed $5,000 may be for official reception and representation expenses.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAMS)

For payment in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Office of the Secretary, as authorized by law, $1,000,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations, to such office for payments in the foregoing currencies (7 U.S.C. 1704).

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Facilities, emergency, construction.

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Forest or range fires.

SEC. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction, and for emergency reclamation projects under section 410 of Public Law 95-87: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That no appropriations made in this title shall be available for acquisition of automatic data processing equipment, software, or services in excess of $1,000,000 systems life cost, without prior approval of the Secretary.

30 USC 1240.

Service facilities.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Services.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Uniforms.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. In addition to the aircraft specifically authorized under this Act there is hereby authorized for acquisition 2 aircraft for replacement only, both of which shall be from surplus.

GSA contractual obligations.

SEC. 107. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

Wild Horse Reservoir, Nev.

SEC. 108. No appropriations made in this title shall be available for implementation of any decision with regard to any lease, administrative transfer, or withdrawal not now existing of lands and waters comprising Wild Horse Reservoir, Nevada, or any lands immediately adjacent thereto: *Provided*, That this limitation is not applicable to water necessary for current or future irrigation practices.

Unique Wildlife Ecosystem Program.

SEC. 109. No appropriations made in this title shall be available for the identification of lands not now so identified or acquisition (by withdrawal, transfer or purchase) of lands for or associated with the Unique Wildlife Ecosystem Program as now defined by the United States Fish and Wildlife Service not authorized by law under an existing program.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST MANAGEMENT, PROTECTION AND UTILIZATION

For expenses necessary for forest management, protection, and utilization as follows:

Research: For necessary expenses of forest research as authorized by law, $108,795,000.

State and Private Forestry: For necessary expenses of cooperating with, and providing technical and financial assistance to, States, Territories, possessions, and others; and for forest insect and disease, and noxious farm weed activities, $72,879,000: *Provided*, That $20,453,000 appropriated for forest insect and disease activities shall remain available for obligation until September 30, 1981.

National Forest System: For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, $825,532,000, of which $186,725,000 for reforestation, timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1981.

CONSTRUCTION AND LAND ACQUISITION

For necessary expenses of the Forest Service, not otherwise provided for, for construction and land acquisition, $423,412,000, to remain available until expended, of which $28,835,000 is for construction and acquisition of buildings and other facilities; $392,565,000 is for construction of forest development roads and trails by the Forest Service and construction and maintenance of forest development roads by timber purchasers; and $2,012,000 is for acquisition of land and interests therein, required for management, protection, utilization, and research for the National Forest System and other Forest Service resources.

YOUTH CONSERVATION CORPS

42 USC prec. 2711 note.

For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 93-408, $54,000,000:

Provided, That $27,000,000 shall be available to the Secretary of the Interior and $27,000,000 shall be available to the Secretary of Agriculture.

TIMBER SALVAGE SALES

Funds previously appropriated under this head may be recovered from receipts deposited on the applicable national forest. Such funds, when recovered, may be expended and recovered on any national forest.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache National Forest, Utah; Uinta and Wasatch National Forests, Utah; Toiyabe National Forest, Nevada; Angeles National Forest, California; and, San Bernardino and Cleveland National Forests, California, as authorized by law, $325,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), all funds deposited by public school authorities pursuant to that Act, to remain available until expended.

RANGELAND IMPROVEMENTS

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1) of the Act of October 21, 1976, Public Law 94-579, as amended, fifty percent of all moneys received during the prior fiscal year as fees for grazing domestic livestock on lands in National Forests in the sixteen western States, to remain available until expended. 43 USC 1751.

CONSTRUCTION AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, all revenues deposited during the prior fiscal year, except amounts distributed as otherwise provided by law, in the special account established pursuant to section 4(f) of the Land and Water Conservation Fund Act, as amended (16 U.S.C. 4601-6a(f)): *Provided,* That these funds may be merged with and made a part of the Forest Management. Protection and Utilization appropriation: *Provided further,* That funds not merged with the Forest Management, Protection and Utilization appropriation shall remain available until expended. 16 USC 460*l*-6a.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 268 passenger motor vehicles of which 7 will be used primarily for law enforcement purposes and of which 250 shall be for replacement only, acquisition of 51 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 61 aircraft from excess sources; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

Limitation. None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the U.S. Senate and the Committee on Agriculture in the U.S. House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System limitation for the emergency rehabilitation of burned over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

Funds available under the Act of March 4, 1913 (16 U.S.C. 501), may be merged with and made a part of the Construction and Land Acquisition and/or the Forest Management, Protection, and Utilization Appropriations.

Department of Energy

ALTERNATIVE FUELS PRODUCTION

42 USC 5915 note. In order to expedite the domestic development and production of alternative fuels and to reduce dependence on foreign supplies of energy resources by establishing such domestic production at maximum levels at the earliest time practicable, there is hereby established in the Treasury of the United States a special fund to be designated the "Energy Security Reserve", to which is appropriated $19,000,000,000, to remain available until expended: *Provided,* That these funds shall be available for obligation only to stimulate domestic commercial production of alternative fuels and only to the extent provided in advance in appropriations Acts: *Provided further,* That of these funds $1,500,000,000 shall be available immediately to the Secretary of Energy to carry out the provisions of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5901, et seq.), to remain available until expended, for the purchase or production by way of purchase commitments or price guarantees of alternative fuels: *Provided further,* That the Secretary shall immediately begin the contract process for purchases of, or commitments to purchase, or to resell alternative fuels to the extent of appropriations provided herein: *Provided further,* That of these funds an additional $708,000,000 shall be available immediately to the Secretary of Energy, to remain available until expended, to support preliminary alternative fuels commercialization activities under the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, of which (1) not to exceed $100,000,000 shall be available for project development feasibility studies, such individual awards not to exceed $4,000,000: *Provided,* That the Secretary may require repayment of such funds where studies determine that such project proposals have economic or technical feasibility; (2) not

42 USC 5901 note.

to exceed $100,000,000 shall be available for cooperative agreements with non-Federal entities, such individual agreements not to exceed $25,000,000 to support commercial scale development of alternative fuels facilities; (3) not to exceed $500,000,000 shall be available for a reserve to cover any defaults from loan guarantees issued to finance the construction of alternative fuels production facilities as authorized by the Federal Nonnuclear Energy Research and Development Act of 1974, as amended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed under this appropriation shall not exceed the aggregate of $1,500,000,000; and (4) not to exceed $8,000,000 shall be available for program management.

42 USC 5901 note.

This Act shall be deemed to satisfy the requirements for congressional action pursuant to sections 7(c) and 19 of said Act with respect to any purchase commitment, price guarantee, or loan guarantee for which funds appropriated hereby are utilized or obligated.

42 USC 5906, 5918.

"Alternative fuels."

For the purposes of this appropriation the term "alternative fuels", means gaseous, liquid, or solid fuels and chemical feedstocks derived from coal, shale, tar sands, lignite, peat, biomass, solid waste, unconventional natural gas, and other minerals or organic materials other than crude oil or any derivative thereof.

Solicitation for applications.

Within ninety days following enactment of this Act, the Secretary of Energy in his sole discretion shall issue a solicitation for applications which shall include criteria for project development feasibility studies described in this account.

Loan guarantees for oil shale facilities issued under this appropriation may be used to finance construction of full-sized commercial facilities without regard to the proviso in section 19(b)(1) of said Act requiring the prior demonstration of a modular facility.

In any case in which the Government, under the provisions of this appropriation, accepts delivery of and does not resell any alternative fuels, such fuels shall be used by an appropriate Federal agency. Such Federal agency shall pay into the reserve the market price, as determined by the Secretary, for such fuels from sums appropriated to such Federal agency for the purchase of fuels. The Secretary shall pay the contractor, from sums appropriated herein, the contract price for such fuels.

All amounts received by the Secretary under this appropriation, including fees, any other monies, property, or assets derived by the Secretary from operations under this appropriation shall be deposited in the reserve.

All payments for obligations and appropriate expenses (including reimbursements to other Government accounts), pursuant to operations of the Secretary under this appropriation shall be paid from the reserve subject to appropriations.

"Solar and Conservation Reserve."

For the establishment in the Treasury of the United States of a special fund to be designated the "Solar and Conservation Reserve", $1,000,000,000 to remain available until expended: *Provided*, That these funds shall be available for obligation only to stimulate solar energy and conservation: *Provided further*, That the withdrawal of said funds shall be subject to the passage of authorizing legislation and only to the extent provided in advance in appropriations Acts.

Report to Congress.

Beginning six months after the date of enactment of this Act, and every six months thereafter, the Secretary is required to submit to the Congress a written report detailing the activities carried out pursuant to this appropriation.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), $746,627,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas. 42 USC 7101 note.

FOSSIL ENERGY CONSTRUCTION

For necessary expenses in connection with the purchase and construction of fossil energy plants, including the acquisition of interests, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $103,250,000, to remain available until expended.

ENERGY PRODUCTION, DEMONSTRATION, AND DISTRIBUTION

For necessary expenses in carrying out energy production, demonstration, and distribution activities, $111,221,000, of which $88,750,000 shall remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $628,702,000, to remain available until expended: *Provided*, That of the total amount of this appropriation, not to exceed $1,450,000 shall be available for a reserve to cover any defaults from loan guarantees issued for electric or hybrid vehicle research, development, and production as authorized by section 10 of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976 (15 U.S.C. 2509): *Provided further*, That the indebtedness guaranteed or committed to be guaranteed under said law shall not exceed the aggregate of $16,000,000: *Provided further*, That $141,250,000 appropriated in Public Law 95-240 for conservation grants for schools and health care facilities and $17,500,000 appropriated in Public Law 95-240 for conservation grants for local government buildings shall remain available until expended: *Provided further*, That none of the funds provided for state energy conservation grants shall be available to any jurisdiction that has not implemented section 362(c)(5) of Public Law 94-163. 92 Stat. 107. 42 USC 6322.

ECONOMIC REGULATORY ADMINISTRATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $152,879,000: *Provided*, That none of the funds herein appropriated shall be available to pay the expenses of parties intervening in regulatory proceedings before the Economic Regulatory Administration.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $87,273,000.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations to the Department of Energy under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From this appropriation, transfers of sums may be made to other agencies of the government for the performance of work for which this appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in this or future appropriations Acts.

The Secretary is authorized to accept lands, buildings, equipment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That revenues received from the sale of any products produced in facilities operated as part of Department of Energy programs appropriated under this Act shall be covered into the Treasury as miscellaneous receipts.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 757 of the Public Health Service Act, including hire of passenger motor vehicles and aircraft; purchase of reprints; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, $538,874,000: *Provided*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450) shall remain available until September 30, 1981.

42 USC 2001.
25 USC 450 note, 1601 note.
42 USC 241 *et seq.*, 219 *et seq.*, 294y-1.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailer; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $74,302,000, to remain available until expended: *Provided*, That not to exceed $20,000,000 of the amounts collected by the Secretary of Health, Education, and Welfare under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1981, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities).

90 Stat. 1408.
42 USC 1395qq.

42 USC 1395 *et seq.*, 1396 *et seq.*

ADMINISTRATIVE PROVISION, HEALTH SERVICES ADMINISTRATION

5 USC 5332 note.

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the lease of permanent structures without advance provision therefor in appropriations Act.

OFFICE OF EDUCATION

INDIAN EDUCATION

20 USC 241aa note.

For carrying out, to the extent not otherwise provided, Part A ($52,000,000), and Parts B and C ($21,430,000) of the Indian Education Act, and the General Education Provisions Act, $75,900,000.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

INSTITUTE OF MUSEUM SERVICES

20 USC 961 note.

5 USC 5316.

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, $10,900,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further*, That none of the funds appropriated to the Institute of Museum Services may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

20 USC 640d.

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $950,000 for operating expenses of the Commission.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 3 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $103,781,000: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of these funds shall be available to the Smithsonian Research Foundation.

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, $4,200,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That none of these funds shall be available to the Smithsonian Research Foundation: *Provided further*, That not to exceed $500,000 may be used to make grant awards to employees of the Smithsonian Institution.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $6,250,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $5,250,000, to remain available until expended. 20 USC 53a.

CONSTRUCTION

For necessary expenses to construct museum support facilities, including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $20,600,000, to remain available until expended.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and not to exceed $70,000 for restora- 20 USC 71.

tion and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $22,241,000.

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

20 USC 80e note.

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $1,611,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

20 USC 951 note.

20 USC 954.

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,000,000, of which $97,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and $12,000,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

20 USC 959.

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $45,400,000, to remain available until September 30, 1981, to the National Endowment for the Arts, of which $26,900,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND EXPENSES

20 USC 952 note.

20 USC 956.

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $111,700,000, of which $100,300,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and $11,400,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $38,400,000, to remain available until September 30, 1981, of which $27,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amount of gifts, bequests, and devises of money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated. 20 USC 959.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $268,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 94-422, $1,350,000: 16 USC 470.
Provided, That none of these funds shall be available for the compensation of Executive Level V or higher positions. 5 USC 5316.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $1,975,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $40,000, to remain available for obligation until September 30, 1981.

Pennsylvania Avenue Development Corporation

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $1,856,000 for operating and administrative expenses of the Corporation.

40 USC 885.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $17,000,000, pursuant to the terms and conditions specified in paragraph 10, section 6, of Public Law 92-578.

40 USC 875.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $20,110,000, to remain available for obligation until expended.

40 USC 885.

Federal Inspector for the Alaska Gas Pipeline

PERMITTING AND ENFORCEMENT

For necessary expenses of the Federal Inspector for the Alaska Gas Pipeline, $10,600,000, of which $3,600,000 shall remain available until expended.

Community Services Administration

COMMUNITY SERVICES PROGRAM

For an additional amount for "Community services program", $1,350,000,000: *Provided*, That of this amount $1,200,000,000 shall be transferred by allocation to the Secretary of Health, Education, and Welfare for payment of energy grants and allowances and related administrative costs: *Provided further*, That energy allowances shall not be considered as income or resources under any other public or publicly assisted income tested program, but shall be taken into consideration in determining eligibility for energy crisis assistance: *Provided further*, That the States shall, in awarding funds, give priority to those households experiencing significant increases in heating fuel costs over the levels of the previous year: *Provided further*, That States shall, in establishing such priority, provide for determining the extent to which increases in rents are caused by increases in heating fuel costs and consider such portions of increases in rents to be increases in heating costs: *Provided further*, That proof of income eligibility shall be required of all applicants: *Provided further*, That an annual audit shall be made of this program and all of its components: *Provided further*, That no awards to applicants shall be made after June 30, 1980: *Provided further*, That $400,000,000 shall be paid as a special one-time energy allowance to recipients of Supplemental Security Income distributed among the States according to the following formula: (1) 33⅓ per centum based on the number of heating degree days squared times the number of households below 125 per centum of poverty; 33⅓ per centum based on the difference in home heating energy expenditures between 1978 and 1979; (3) 33⅓ per centum based on the number of Supplemental Security Income

Energy crisis assistance, priorities.

Proof of income eligibility.

Special one-time energy allowance.

recipients (other than those receiving no more than $25 because of their presence in a Medicaid institution) in each State relative to the national total: *Provided further,* That no Supplemental Security Income recipient shall receive more than $250 from the funds provided for Supplemental Security Income recipients: *Provided further,* That the remainder of any funds that would have been allotted to any State for Supplemental Security Income recipients if no maximum payment limitation had been in existence shall be allocated based on the State determination previously made in regard to funds provided for special energy allowances to recipients of Aid to Families with Dependent Children (AFDC) or block grants to States: *Provided further,* That $942,600,000 shall be distributed among the States according to the following formula: (1) 50 per centum based on the number of heating degree days squared times the number of households below 125 per centum of poverty; (2) 50 per centum based on the difference in home heating energy expenditures between 1978 and 1979: *Provided further,* That, in the State Funding Plan, the Governor shall provide assistance for those who pay fuel bills indirectly as well as directly: *Provided further,* That from revenues received from any windfall profit taxes imposed by Federal law on producers of domestic crude oil, there shall be reimbursed to the general fund of the Treasury an amount equivalent to the amount of funds appropriated to carry out the purposes of this paragraph: *Provided further,* That for the purposes of this paragraph, the term "States" shall include the "insular areas" of the United States.

Supplemental Security Income payments, limitation.

Allotment of funds.

Direct and indirect fuel bill payers.

Revenues from windfall profit taxes.

"States."

TITLE III—GENERAL PROVISIONS

Unprocessed timber, sale restrictions.

SEC. 301. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

Oil and natural gas leasing, limitation.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

Mandatory allocation regulations for crude oil, residual fuel oil, and refined petroleum products.
15 USC 753.

SEC. 303. None of the funds appropriated under this Act shall be available to implement any amendment to, or provision of, the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973 providing for an increase or decrease in any month beginning after the date of the enactment of this Act in the ratio of the number of entitlements issued any firm with respect to any imported refined petroleum product to the number of barrels of such product imported by such firm in such month above the ratio in effect on April 30, 1979 unless the President has transmitted such, amendment or provision to the Congress as an "energy action" under section 551 of the Energy Policy and Conservation Act (Public Law 94-163) and neither House of Congress has disapproved (or both Houses have approved) such request in accordance with the procedures specified in such section 551 of such Act.

42 USC 6421.

Legislative proposal, publication or distribution of literature.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete, in accordance with 18 U.S.C. 1913.

Hunting of waterfowl with steel shot.

SEC. 305. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation and enforcement.

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Plant care or watering service.

SEC. 307. Notwithstanding the provisions of any other law, appropriations in this Act or any other Act may be used to contract with private firms to provide plant care or watering services except for indoor office plants.

50 USC app. 2406 note.

Ante, p. 515.

SEC. 308. Notwithstanding the provisions of any other law, the State of Alaska is exempted from application of the provisions of section 7(i) of the Export Administration Act of 1979 (Public Law 96-72).

SEC. 309. No funds appropriated by this Act in excess of $240,000 shall be available for the legal representation of the Pueblos of Nambe, Tesuque, San Ildefonso, and Pojoaque, as plaintiffs-in-intervention, in connection with the suit State of New Mexico v. Aamodt, U.S. District Court No. 6639.

Approved November 27, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-374 (Comm. on Appropriations) and No. 96-604 (Comm. of Conference).

SENATE REPORT No. 96-363 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 125 (1979):

- July 30, considered and passed House.
- Oct. 12, 15, 16, 18, considered and passed Senate, amended.
- Nov. 9, House agreed to conference report; concurred in certain Senate amendments, in others with amendments; Senate agreed to conference report and concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 48:

- Nov. 27, Presidential statement.

Public Law 96-127
96th Congress

An Act

To amend section 201 of the Agricultural Act of 1949, as amended, to extend until September 30, 1981, the requirement that the price of milk be supported at not less than 80 per centum of the parity price therefor.

Nov. 28, 1979
[H.R. 4167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of subsection (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended by striking out "March 31, 1979" and inserting in lieu thereof "September 30, 1981".

Milk price support, extension.

(b) The first sentence of subsection (d) of such section (7 U.S.C. 1446(d)) is amended by striking out "March 31, 1981" and inserting in lieu thereof "September 30, 1981".

Approved November 28, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-278 (Comm. on Agriculture).
SENATE REPORT No. 96-400 accompanying S. 6 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 29, Nov. 8, considered and passed House.
Nov. 15, S. 6 considered in Senate and indefinitely postponed; H.R. 4167 considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 48:
Nov. 28, Presidential statement.

Public Law 96-128
96th Congress

An Act

Nov. 28, 1979
[H.R. 2282]

To amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation paid to veterans with service-connected disabilities and in the rates of dependency and indemnity compensation paid to survivors of veterans, to modify certain veterans' life insurance programs, and to exempt Veterans' Administration home loans from State anti-usury laws; to provide for certain assistance in locating individuals who were exposed to occupational hazards during military service; and for other purposes.

Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979".

Sec. 2. Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' DISABILITY COMPENSATION BENEFITS

RATES OF DISABILITY COMPENSATION

92 Stat. 1560.
38 USC 314.

Sec. 101. (a) Section 314 is amended—

(1) by striking out "$44" in subsection (a) and inserting in lieu thereof "$48";

(2) by striking out "$80" in subsection (b) and inserting in lieu thereof "$88";

(3) by striking out "$121" in subsection (c) and inserting in lieu thereof "$133";

(4) by striking out "$166" in subsection (d) and inserting in lieu thereof "$182";

(5) by striking out "$232" in subsection (e) and inserting in lieu thereof "$255";

(6) by striking out "$292" in subsection (f) and inserting in lieu thereof "$321";

(7) by striking out "$346" in subsection (g) and inserting in lieu thereof "$380";

(8) by striking out "$400" in subsection (h) and inserting in lieu thereof "$440";

(9) by striking out "$450" in subsection (i) and inserting in lieu thereof "$495";

(10) by striking out "$809" in subsection (j) and inserting in lieu thereof "$889";

(11) by striking out "$56", "$1,005", and "$1,408" in subsection (k) and inserting in lieu thereof "$62", "$1,104", and "$1,547", respectively;

(12) by striking out "$1,005" in subsection (l) and inserting in lieu thereof "$1,104";

(13) by striking out "$1,107" in subsection (m) and inserting in lieu thereof "$1,217";

(14) by striking out "$1,258" in subsection (n) and inserting in lieu thereof "$1,383";

(15) by striking out "$1,408" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$1,547";

(16) by striking out "$604" and "$900" in subsection (r) and inserting in lieu thereof "$664" and "$989", respectively;

(17) by striking out "$905" in subsection (s) and inserting in lieu thereof "$995"; and

(18) by striking out "$175" in subsection (t) and inserting in lieu thereof "$192".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

Rates of compensation.
38 USC 314 note.

38 USC prec. 101 note.

38 USC 301 *et seq.*

RATES OF ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. (a) Section 315(1) is amended—

92 Stat. 1562.
38 USC 315.

(1) by striking out "$49" in clause (A) and inserting in lieu thereof "$54";

(2) by striking out "$83" in clause (B) and inserting in lieu thereof "$91";

(3) by striking out "$110" in clause (C) and inserting in lieu thereof "$121";

(4) by striking out "$137" and "$27" in clause (D) and inserting in lieu thereof "$151" and "$30", respectively;

(5) by striking out "$34" in clause (E) and inserting in lieu thereof "$37";

(6) by striking out "$61" in clause (F) and inserting in lieu thereof "$67";

(7) by striking out "$88" and "$27" in clause (G) and inserting in lieu thereof "$97" and "$30", respectively;

(8) by striking out "$40" in clause (H) and inserting in lieu thereof "$44";

(9) by striking out "$89" in clause (I) and inserting in lieu thereof "$98"; and

(10) by striking out "$75" in clause (J) and inserting in lieu thereof "$82".

(b)(1)(A) Clause (I) of such section (as amended by subsection (a)) is further amended—

(i) by striking out "subsection" the first time it appears and inserting in lieu thereof "paragraph";

(ii) by striking out "(1)" and "or (2)" and inserting in lieu thereof "(i)" and "or (ii)", respectively; and

(iii) by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "paragraph (2) of this section".

(B) Clause (J) of such section (as amended by subsection (a)) is further amended—

(i) by striking out "subsection" the first time it appears and inserting in lieu thereof "paragraph"; and

(ii) by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "paragraph (2) of this section".

(2) Section 315(2) is amended by inserting "of this section" after "paragraph (1)".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

92 Stat. 1562.
38 USC 362.

SEC. 103. Section 362 is amended by striking out "$218" and inserting in lieu thereof "$240".

ELIGIBILITY FOR AID AND ATTENDANCE ALLOWANCE FOR CERTAIN VETERANS

92 Stat. 1561.
38 USC 314.

SEC. 104. Section 314(r) is amended—

(1) by striking out "the" the first place it appears;

(2) by striking out "or" after "this section" and inserting in lieu thereof a comma;

(3) by inserting "or at the intermediate rate authorized between the rates authorized under subsections (n) and (o) of this section and at the rate authorized under subsection (k) of this section," after "subsection (p) of this section,"; and

(4) by striking out "compensation under subsection (o) or (p) of this section—" and inserting in lieu thereof "compensation—".

DETERMINATION OF INTERMEDIATE RATES

SEC. 105. Subsection (p) of section 314 is amended by inserting before the semicolon at the end thereof a period and "Any intermediate rate under this subsection shall be established at the arithmetic mean, rounded to the nearest dollar, between the two rates concerned".

TITLE II—SURVIVORS' DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

92 Stat. 1562.
38 USC 411.

SEC. 201. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$326	W-4	$468
E-2	337	O-1	413
E-3	345	O-2	426
E-4	367	O-3	457
E-5	377	O-4	482
E-6	386	O-5	532
E-7	404	O-6	598
E-8	426	O-7	648
E-9	[1]446	O-8	710
W-1	413	O-9	763
W-2	430	O-10	[2]835
W-3	442		

" [1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $480.

" [2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $895.".

(b) Subsection (b) of such section is amended by striking out "$35" and inserting in lieu thereof "$38".

(c) Subsection (c) of such section is amended by striking out "$89" and inserting in lieu thereof "$98".

(d) Subsection (d) of such section is amended by striking out "$45" and inserting in lieu thereof "$49".

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 202. Section 413 is amended— 92 Stat. 1563. 38 USC 413.

(1) by striking out "$150" in clause (1) and inserting in lieu thereof "$165";

(2) by striking out "$216" in clause (2) and inserting in lieu thereof "$237";

(3) by striking out "$278" in clause (3) and inserting in lieu thereof "$306"; and

(4) by striking out "$278" and "$56" in clause (4) and inserting in lieu thereof "$306" and "$62", respectively.

RATES OF SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 203. Section 414 is amended— 38 USC 414.

(1) by striking out "$89" in subsection (a) and inserting in lieu thereof "$98";

(2) by striking out "$150" in subsection (b) and inserting in lieu thereof "$165"; and

(3) by striking out "$76" in subsection (c) and inserting in lieu thereof "$84".

TITLE III—AMENDMENTS TO CERTAIN VETERANS' LIFE INSURANCE PROVISIONS

AUTHORITY FOR DIVIDENDS—VETERANS' REOPENED INSURANCE

SEC. 301. (a) Subsection (b) of section 725 is amended— 38 USC 725.

(1) by inserting "and" after the semicolon at the end of clause (6); and

(2) by striking out the semicolon at the end of clause (7) and all that follows in such subsection and inserting in lieu thereof a period.

(b) Subsection (c) of such section is amended—

(1) by striking out clause (4);

(2) by redesignating clauses (5), (6), and (7) as clauses (4), (5), and (6), respectively; and

(3) by inserting "and" after the semicolon at the end of clause (5) (as so redesignated).

(c) The first sentence of subsection (d) of such section is amended by striking out "shall be made from that fund" and inserting in lieu thereof a comma and "including payments of dividends and refunds of unearned premiums, shall be made from that fund and the interest earned on the assets of that fund".

AUTHORITY FOR HIGHER INTEREST RATES FOR AMOUNTS PAYABLE TO BENEFICIARIES

SEC. 302. (a) Subchapter I of chapter 19 is amended by adding at the end thereof the following new section:

38 USC 726.

"§ 726. Authority for higher interest rates for amounts payable to beneficiaries

"Notwithstanding sections 702, 723, and 725 of this title, if the beneficiary of an insurance policy receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in the appropriate section of this subchapter. The Administrator may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound for the program of insurance concerned. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 725 the following new item:

"726. Authority for higher interest rates for amounts payable to beneficiaries.".

SEC. 303. (a) Subchapter II of chapter 19 is amended by adding at the end thereof the following new section:

38 USC 761.

"§ 761. Authority for higher interest rates for amounts payable to beneficiaries

"Notwithstanding section 744(b) of this title, if the beneficiary of an insurance policy issued under the provisions of this subchapter receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in such section. The Administrator may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 760 the following new item:

"761. Authority for higher interest rates for amounts payable to beneficiaries.".

TECHNICAL AMENDMENTS

38 USC 718, 753.

SEC. 304. Sections 718(b) and 753 are amended by striking out "his" and inserting in lieu thereof "such person's".

TITLE IV—EXEMPTION OF VETERANS' ADMINISTRATION HOME LOANS FROM STATE ANTI-USURY PROVISIONS

SEC. 401. (a) Chapter 37 is amended by adding at the end thereof the following new section:

38 USC 1828.

"§ 1828. Exemption from State anti-usury provisions

"If, under any law of the United States, loans and mortgages insured under title I or title II of the National Housing Act are exempt from the application of the provisions of any State constitution or law limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved by lenders, then loans guaranteed or insured under this chapter are also exempt from the application of such provisions.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1828. Exemption from State anti-usury provisions.".

TITLE V—MISCELLANEOUS PROVISIONS

TECHNICAL AMENDMENTS

SEC. 501. (a) Section 611(c)(1) is amended by striking out "recognized by the Administrator for the purposes of" and inserting in lieu thereof "named in, or approved by the Administrator under,". *Ante*, p. 54.

(b) Section 612A(d) is amended by striking out the comma after "this title)". *Ante*, p. 48.

(c) Section 620A is amended— *Ante*, p. 50.

(1) by striking out "of" after "treatment facilities" in paragraph (1) of subsection (a) and inserting in lieu thereof "for"; and

(2) by striking out the comma after "such request" in paragraph (2) of subsection (d).

(d) Section 663(d) is amended by striking out "order to carry" and inserting in lieu thereof "carrying". *Ante*, p. 52.

(e) Section 5005(a) is amended by striking out "section 5031 of this title" and inserting in lieu thereof "subchapter III of this chapter". *Ante*, p. 57. 38 USC 5031.

ASSISTANCE IN LOCATING CERTAIN INDIVIDUALS EXPOSED TO OCCUPATIONAL HAZARDS DURING MILITARY SERVICE

SEC. 502. In order to effectuate more fully the policy underlying the enactment of section 6103(m)(3) of the Internal Revenue Code of 1954 regarding the location, for certain purposes, of individuals who are, or may have been, exposed to occupational hazards, the Director of the National Institute of Occupational Safety and Health, upon request by the Administrator of Veterans' Affairs (or the head of any other Federal department, agency, or instrumentality), shall (1) pursuant to such section 6103(m)(3), request the mailing addresses of individuals who such Administrator (or such department, agency, or instrumentality head) certifies may have been exposed to occupational hazards during active military, naval, or air service (as defined in section 101(24) of title 38, United States Code), and (2) provide such addresses to such Administrator (or such department, agency, or instrumentality head) to be used solely for the purpose of locating such individuals as part of an activity being carried out by or on behalf of the Veterans' Administration (or such other department, agency, or instrumentality) to determine the status of their health or to inform them of the possible need for medical care and treatment and of benefits to which they may be entitled based on disability resulting from exposure to such occupational hazards. 26 USC 6103 note. 92 Stat. 2921. 26 USC 6103.

TITLE VI—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 601. (a)(1) Except as provided in paragraph (2) of this subsection, the amendments made by titles I and II and the provisions of section 101(b) shall take effect as of October 1, 1979. 38 USC 314 note.

(2) With respect to the amendment made by clause (1) of section 101(a), that portion of the amendment amending subsection (k) of section 314 to increase certain monthly rates of compensation shall take effect as of September 1, 1980, and that portion of the amendment amending such subsection to increase certain maximum monthy amounts of compensation shall take effect as of October 1, 1979.

(b) The amendments made by titles III, IV, and V shall take effect on the date of the enactment of this Act.

Approved November 28, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-310 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 96-260 (Comm. on Veterans' Affairs) and No. 96-280 (Comm. on Appropriations), both accompanying S. 689.
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 16, considered and passed House.
Aug. 3, considered and passed Senate, amended, in lieu of S. 689.
Oct. 30, House concurred in Senate amendments with amendments.
Nov. 15, Senate concurred in House amendments with amendments.
Nov. 16, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 48:
Nov. 28, Presidential statement.

Public Law 96-129
96th Congress

An Act

To amend the Natural Gas Pipeline Safety Act of 1968 to provide for the safe operation of pipelines transporting natural gas and liquefied petroleum gas, to provide standards with respect to the siting, construction, and operation of liquefied natural gas facilities, and for other purposes.

Nov. 30, 1979
[S. 411]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pipeline Safety Act of 1979.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Pipeline Safety Act of 1979".

49 USC 1671 note.

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. References to Natural Gas Pipeline Safety Act of 1968.

TITLE I—NATURAL GAS

SUBTITLE A—GENERAL PROVISIONS

Sec. 101. Pipeline participation in certain utility safety programs.
Sec. 102. Technical Pipeline Standards Committee.
Sec. 103. Reporting and monitoring requirements under State safety programs.
Sec. 104. Enforcement powers.
Sec. 105. Simplification of filing requirements.
Sec. 106. Administration.
Sec. 107. Annual report regarding State pipeline safety inspectors.
Sec. 108. Appropriations authorization.
Sec. 109. Technical, clerical, and conforming amendments.
Sec. 110. Cost-benefit analysis of increased pipeline safety regulation.
Sec. 111. Report on implementation efforts regarding distribution of gas in connection with the rental or lease of real property.
Sec. 112. Effective date.

SUBTITLE B—LNG FACILITIES

Sec. 151. Definitions.
Sec. 152. Siting and safety standards.
Sec. 153. Financial responsibility.
Sec. 154. Enforcement of standards and financial responsibility requirements.
Sec. 155. Intervention by the Secretary in safety proceedings.
Sec. 156. Effective date.

TITLE II—LIQUID PIPELINE SAFETY

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Regulations governing hazardous liquid pipeline facilities.
Sec. 204. Technical Hazardous-Liquid Pipeline Safety Standards Committee.
Sec. 205. State certifications and agreements.
Sec. 206. Judicial review.
Sec. 207. Compliance.
Sec. 208. Penalties.
Sec. 209. Specific relief.

Sec. 210. Inspection and maintenance.
Sec. 211. Powers and duties of the Secretary.
Sec. 212. Pipeline safety coordination and cooperation.
Sec. 213. Annual report.
Sec. 214. Appropriations authorized.
Sec. 215. Citizens civil action.
Sec. 216. Conforming amendments.
Sec. 217. Effective date.
Sec. 218. Savings provisions.

REFERENCES TO NATURAL GAS PIPELINE SAFETY ACT OF 1968

SEC. 2. Except as otherwise expressly provided, whenever in this Act any reference, amendment, or repeal is expressed in terms of a reference or amendment to, or repeal of, a section or other provision, it shall be considered to be made to a section or other provision of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 and following).

TITLE I—NATURAL GAS

SUBTITLE A—GENERAL PROVISIONS

PIPELINE PARTICIPATION IN CERTAIN UTILITY SAFETY PROGRAMS

49 USC 1672.

SEC. 101. (a) Section 3(b) is amended by inserting "(1)" after "(b)", by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), and by adding at the end thereof the following new paragraph:

Ante, p. 989.

"(2) Not later than 12 months after the date of the enactment of the Pipeline Safety Act of 1979, the Secretary shall provide that the Federal minimum safety standards established under this section include a requirement that any operator of pipeline facilities—

"(A) participate in any public safety program—

"(i) which provides for notice to pipeline facility operators of proposed demolition, excavation, tunneling, or construction near or affecting such facility;

"(ii) which requires such operators to identify specific pipeline facilities which may be affected by the proposed demolition, excavation, tunneling, or construction, for the purpose of preventing damage to such facilities; and

"(iii) which the Secretary determines is being carried out in a manner adequate to assure protection against the hazards to that operator's pipeline facilities created by such demolition, excavation, tunneling, or construction; or

"(B) to the extent that such a program is not available, take such steps as the Secretary shall prescribe to provide services to the public with respect to that operator's pipeline facilities which are comparable to those which would be available to the public under such a program.".

49 USC 1674.

(b) Section 5(a)(4) is amended by striking out "excavation" and inserting in lieu thereof "demolition, excavation, tunneling, or construction".

49 USC 1672 note.

(c) Requirements under the amendments made by subsection (a) shall not apply with respect to annual certifications under section 5 during the 2-year period which begins on the effective date of such requirements.

TECHNICAL PIPELINE STANDARDS COMMITTEE

SEC. 102. (a) Section 4(a) is amended by striking out "and experience" and inserting in lieu thereof ", experience, or knowledge". 49 USC 1673.

(b) Section 4(b) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "The Secretary shall submit to the Committee any proposed standard under this Act, or any proposed amendment to a standard under this Act, for its consideration. Within 90 days after receipt by the Committee of any proposed standard or amendment, the Committee shall prepare a report on the technical feasibility, reasonableness, and practicability of such standard or amendment. The Secretary may prescribe a final standard or final amendment to a standard at any time after the 90th day after its submission to the Committee, whether or not the Committee has reported on such standard or amendment."; Report.

(2) by inserting after "published by the Secretary and" the following ", if timely made,"; and

(3) by inserting before the last sentence thereof the following new sentence: "The Committee shall meet with the Secretary (or his designee) not less frequently than once every 6 months.".

(c) Section 4(c) is amended by striking out "not to exceed $100 per diem" and inserting in lieu thereof "not to exceed the daily equivalent of the maximum annual rate of basic pay then currently payable under the General Schedule under section 5332 of title 5, United States Code, for each day". 5 USC 5332 note.

REPORTING AND MONITORING REQUIREMENTS UNDER STATE SAFETY PROGRAMS

SEC. 103. (a) Section 5(a)(ii) is amended to read as follows: "(ii) all accidents or incidents reported during the preceding 12 months by each such person involving personal injury requiring hospitalization, fatality, property damage exceeding $5,000 (whether or not sustained by a person subject to the safety jurisdiction of the State agency) and any other accident which the State agency considers significant, together with a summary of the State agency's investigation as to the cause and circumstances surrounding such accident or incident;". 49 USC 1674.

(b)(1) Section 5(b) is amended by inserting "and" at the end of paragraph (1), by striking out the semicolon at the end of paragraph (2) and inserting a period in lieu thereof, and by striking out paragraphs (3) and (4).

(2) Section 5 is further amended—

(A) by striking out subsection (f);

(B) by redesignating subsections (c), (d), and (e) as (d), (e), and (f), respectively; and

(C) by inserting after subsection (b) the following new subsection:

"(c) The Secretary may conduct whatever monitoring may be necessary of any State program established by certification or agreement under this section to assure that such programs are being carried out in compliance with such certification or agreement. State agencies shall cooperate fully in any monitoring of their programs under this subsection.".

(3) Section 5(a) is amended by striking out "Except for the fourth sentence of section 3(b), section 12(b), and except as otherwise provided in this section, the provisions of this Act" and inserting in

Infra.
49 USC 1686.

lieu thereof "Except for section 19, and except as otherwise provided in this section, the authority of the Secretary under this Act to prescribe safety standards and enforce compliance with such standards".

ENFORCEMENT POWERS

49 USC 1677.

SEC. 104. (a)(1) Section 8 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b)(1) The Secretary may issue orders directing compliance with this Act or any regulation issued under this Act. Any such order shall clearly set forth the particular actions required of the person to whom the order is issued.

"(2) The district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce any such order by appropriate means.".

49 USC 1672.

(2) Section 3(d) is amended by inserting "directing or" before "waiving compliance with".

49 USC 1678, 1679, 1680-1686.

(b) The Act is amended by striking out sections 9 and 10, redesignating sections 11 through 17 as sections 13 through 19, respectively, and inserting before section 13 (as redesignated) the following new sections:

"PENALTIES

49 USC 1679a.

"SEC. 11. (a)(1) Any person who is determined by the Secretary to have violated any provisions of section 10(a) or any regulation or order issued under this Act, including any order issued under sections 10(b) and 12(b), shall be liable to the United States for a civil penalty of not more than $1,000 for each violation for each day that violation persists, except that the maximum civil penalty shall not exceed $200,000 for any related series of violations.

"(2) The amount of the penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

"(b) A civil penalty assessed under subsection (a) may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, prior to referral to the Attorney General, it may be compromised by the Secretary. The amount of the penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(c)(1) Any person who willfully and knowingly violates section 10(a) or a regulation or order issued under this Act, including any order issued under sections 10(b) and 12(b), shall, upon conviction, be subject, for each offense, to a fine of not more than $25,000, imprisonment for a term not to exceed 5 years, or both.

"(2) Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any interstate transmission facility shall, upon conviction, be subject, for each offense, to a fine of not more than $25,000, imprisonment for a term not to exceed 15 years, or both.

"(d) Nothing in this Act shall be construed to authorize the imposition of penalties for the violation of any regulation and the violation of any order under section 10(b) or 12(b) if both violations are based on the same act.

Ante, p. 992.

"SPECIFIC RELIEF

49 USC 1679b.

"SEC. 12. (a)(1) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress or restrain a violation by any person of a provision of this Act or a regulation issued under this Act. Such district courts shall have jurisdiction to determine such actions and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

Trial by jury.

"(2) In any proceeding for criminal contempt for violation of a mandatory or prohibitive injunction issued under this subsection, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

18 USC app.

Hazardous facilities, corrective action.

"(b)(1) If the Secretary finds, after reasonable notice and an opportunity for hearing, that any pipeline facility is hazardous to life or property, he shall, by order, require the person operating the facility to take necessary corrective action. Such corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action, as appropriate.

Hazardous facilities, determinations.

"(2) The Secretary may find a pipeline facility to be hazardous under paragraph (1)—

"(A) if under the facts and circumstances he determines the particular facility is hazardous to life or property, or

"(B) if the pipeline facility or a component thereof has been constructed or operated with any equipment, material, or technique which he determines is hazardous to life or property, unless the operator involved demonstrates to the satisfaction of the Secretary that under the particular facts and circumstances involved such equipment, material, or technique is not hazardous to life or property.

"(3) In making a determination under paragraph (2), the Secretary shall consider, if relevant—

"(A) the characteristics of the pipe and other equipment used in the pipeline facility involved, including its age, manufacturer, physical properties (including its resistance to corrosion and deterioration), and the method of its manufacture, construction, or assembly;

"(B) the nature of the materials transported by such facility (including their corrosive and deteriorative qualities), the sequence in which such materials are transported, and the pressure required for such transportation;

"(C) the aspects of the areas in which the pipeline facility is located, in particular the climatic and geologic conditions (including soil characteristics) associated with such areas, and the population density and population and growth patterns of such areas;

"(D) any recommendation of the National Transportation Safety Board issued in connection with any investigation conducted by the Board under other provisions of law; and

"(E) such other factors as the Secretary may consider appropriate.

"(4) The district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce orders issued under this subsection by appropriate means.

"(5) The Secretary may waive the requirements for notice and hearing under this subsection and provide for expeditious issuance of an order under this subsection in any case in which he determines that the failure to do so would result in the likelihood of serious harm to life or property. However, the Secretary shall include in such an order an opportunity for hearing as soon as practicable after issuance of an order.".

Ante, p. 992.
49 USC 1672.

(c) Section 3(d) is amended by striking out "all orders" and inserting in lieu thereof "all actions".

(d) Section 3(e) is amended by inserting ", by order" after "the Secretary may".

Judicial review.
49 USC 1675.

(e) Section 6 is amended—

(1) by striking out the section heading and inserting in lieu thereof "JUDICIAL REVIEW";

(2) in subsection (a), by striking out "any order issued under this Act" and inserting in lieu thereof, "any regulation issued under this Act or any order with respect to an application for a waiver under section 3(d)" and by striking out "such order is issued" and inserting in lieu thereof "such regulation or order is issued"; and

(3) in subsections (b) and (c), by striking out "order" and inserting in lieu thereof "regulation or order".

SIMPLIFICATION OF FILING REQUIREMENTS

Ante, p. 992.
49 USC 1680.

SEC. 105. (a)(1) The first sentence of section 13, as amended and redesignated, is amended by striking out "shall file with the Secretary or, if a certification or an agreement pursuant to section 5 of this Act is in effect, with the appropriate State agency, a plan for inspection and maintenance" and inserting in lieu thereof "shall prepare, maintain at such office or offices of that person as the Secretary determines appropriate, and carry out a written current plan for inspection and maintenance".

(2) Section 13, as so amended and redesignated, is further amended by inserting after the fourth sentence the following new sentence: "Such plans shall be made available to the Secretary or the appropriate State agency upon request pursuant to section 14.".

Infra.
49 USC 1677.

(b) Section 8(a)(2) is amended by striking out "file and comply with a plan of inspection and maintenance required by section 13" and inserting in lieu thereof "prepare and maintain a plan of inspection and maintenance required by section 13 and comply with such plan".

ADMINISTRATION

Ante, p. 992.

SEC. 106. Section 14 (relating to records, reports, and inspection for compliance), as redesignated, is amended to read as follows:

"POWERS AND DUTIES OF THE SECRETARY

49 USC 1681.

"SEC. 14. (a) The Secretary may, to the extent necessary to carry out his responsibilities under this Act, conduct investigations, make reports, issue subpenas, conduct hearings, require the production of relevant documents and records, take depositions, and conduct, directly or, by contract, or otherwise, research, testing, development, demonstration, and training activities; however, before the Secretary may exercise authority under this section to require testing of portions of pipeline facilities subject to the provisions of this Act which have been involved in or affected by an accident, he shall make every effort to negotiate a mutually acceptable plan with the owner of such facilities and, where appropriate, the National Transportation Safety Board for performing such testing.

Recordkeeping and reporting requirements.

"(b) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require, and shall submit such reports and shall make such records and information available as the Secretary may request, to enable him to determine whether such person has acted or is acting in compliance with this Act and the standards or orders issued under this Act.

Inspection and examination of records and properties.

"(c) Officers, employees, or agents authorized by the Secretary, upon presenting appropriate credentials to the person in charge, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining whether such persons have acted or are acting in compliance with this Act and the standards or orders issued under this Act.

Accident reports, availability for judicial proceedings and to public.

"(d) Accident reports made by any officer, employee, or agent of the Department of Transportation shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident. Any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigations. Any such report shall be made available to the public in a manner which need not identify individuals. All reports on research projects, demonstration projects, and other related activities shall be public information.

Trade secret, confidentiality.

"(e) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a), (b), or (c) which information contains or relates to a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary or any officer, employee, or agent under his control, from the duly authorized committees of the Congress.".

ANNUAL REPORT REGARDING STATE PIPELINE SAFETY INSPECTORS

Ante, p. 992.
49 USC 1683.

SEC. 107. Section 16 (relating to annual report), as redesignated, is amended by striking out "and" at the end of paragraph (9), by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and by adding at the end thereof the following:

"(11) a description of the number and qualifications of State pipeline safety inspectors in each State for which a certification or agreement is in effect under section 5, together with the number of such pipeline inspectors (and their qualifications) which the Secretary recommends for that State.".

49 USC 1674.

APPROPRIATIONS AUTHORIZATION

Ante, p. 992.

SEC. 108. Section 17, as redesignated, is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

49 USC 1684.

"SEC. 17. (a) For the purpose of carrying out the provisions of this Act (other than provisions for which funds are authorized to be appropriated under subsection (b)), there are authorized to be appropriated—

"(1) $6,200,000, for the fiscal year ending September 30, 1980; and

"(2) $6,900,000, for the fiscal year ending September 30, 1981.

"(b) For the purpose of carrying out the Federal grants-in-aid provisions of section 5(d) of this Act, there are authorized to be appropriated—

"(1) $4,500,000, for the fiscal year ending September 30, 1980; and

"(2) $5,500,000, for the fiscal year ending September 30, 1981.".

TECHNICAL, CLERICAL, AND CONFORMING AMENDMENTS

49 USC 1671.

SEC. 109. (a) Section 2(7) (relating to the national organization of State commissions) is amended by striking out "part II of the Interstate Commerce Act" and inserting in lieu thereof "subchapter III of chapter 103 of title 49, United States Code".

(b) Sections 2(8) and 2(9) (relating to certain interstate and intrastate facilities) are amended by striking out "Federal Power Commission" and inserting in lieu thereof "Federal Energy Regulatory Commission".

49 USC 1672.

(c) Section 3 (relating to standards), as amended, is amended by striking out subsection (a) and by redesignating subsections (b) through (e) as subsections (a) through (d), respectively.

(d) The first sentence of section 3(a), as redesignated by subsection (c), is amended by striking out all that precedes "establish minimum" and inserting in lieu thereof "The Secretary shall, by regulation,".

(e) Section 3(a), as redesignated by subsection (c), is amended by striking out the fourth sentence in paragraph (1), by inserting in paragraph (1)(B) "or facility" after "pipeline transportation", and by inserting "safety" after "or more stringent".

(f) Section 3(b), as redesignated by subsection (c), is amended by inserting after "period reasonably necessary for compliance" the following: "and such date is specified in the regulation establishing or amending such standard".

49 USC 1674.

(g) Section 5(a) (relating to State certifications and agreements) is amended by striking out "; except that a State agency may file a certification under this subsection without regard to the requirement of injunctive and monetary sanctions under State law for a period not to exceed five years after the date of enactment of this Act".

Ante, p. 994.
Ante, p. 992, 993.

(h)(1) Section 5(a) is amended by striking out "section 12", "section 11", and "sections 9 and 10" and inserting in lieu thereof "section 14", "section 13", and "sections 11 (other than subsection (a)(3) thereof) and 12", respectively.

(2) Section 5(b)(2) is amended by striking out "section 11" and inserting in lieu thereof "section 13".

Supra.

(3) Section 5(d)(2), as redesignated, is amended by striking out "section 15(b)" and inserting in lieu thereof "section 17(b)".

49 USC 1677.

(4) Section 8 (relating to compliance) is amended by striking out "section 12" and inserting in lieu thereof "section 14".

49 USC 1676.

(i) Section 7 (relating to cooperation with Federal Power Commission and State commissions) is amended, in the section heading, by striking out "FEDERAL POWER COMMISSION" and inserting in lieu thereof "FEDERAL ENERGY REGULATORY COMMISSION" and, in the text, by striking out "Federal Power Commission" each place it appears and inserting in lieu thereof "Federal Energy Regulatory Commission".

Ante, p. 992.
49 USC 1682.

(j) Section 15 (relating to administration), as redesignated, is amended—

(1) by striking out the section heading and inserting "NATURAL GAS SAFETY COOPERATION AND COORDINATION"; and

(2) by striking out subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(k) Section 15(a), as redesignated, is amended by striking out "Federal Power Commission" and inserting in lieu thereof "Federal Energy Regulatory Commission".

Ante, p. 992.
49 USC 1683.

(l) Section 16(a)(3) (relating to annual reports), as redesignated, is amended by striking out "section 3(e)" and inserting in lieu thereof "section 3(d)".

(m) Section 16 (relating to annual report), as redesignated, is amended by striking out "March 17" and inserting in lieu thereof "June 15".

COST-BENEFIT ANALYSIS OF INCREASED PIPELINE SAFETY REGULATION

Report to Congress.
49 USC 1682 note.

SEC. 110. (a) Within 12 months after the date of the enactment of this section, the Secretary of Transportation, after affording an opportunity for consultation and comment by persons operating pipeline facilities, State and local regulatory authorities with jurisdiction over pipeline safety, and consumers shall conduct and complete a cost-benefit analysis to determine whether additional Federal legislation on pipeline safety is beneficial and submit a report of his findings to the Congress.

(b) As part of the cost-benefit analysis required by subsection (a), the Secretary of Transportation shall conduct a study of the adequacy and effectiveness of existing pipeline safety regulations. In addition to existing pipeline safety regulations, the study shall address the following issues:

(1) whether pipeline safety could be significantly enhanced in a cost-effective manner by regulations requiring pipeline facility operators to prepare and maintain a general description of their pipeline facilities, including—

(A) the location of the pipeline and the pipeline facilities;

(B) the type, age, manufacturer, and method of construction of such pipeline and facilities;

(C) the nature of the materials transported, the sequence in which they are transported, and the pressure at which they are transported; and

(D) the climatic, geologic, seismic, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas;

(2) the cost-effectiveness, feasibility, and potential benefits of establishing in the Department of Transportation a program for use in an electronic data-processing system, which would be used to process and maintain pipeline-safety information obtained under existing and future Federal laws and regulations;

(3) whether it is necessary and cost-effective to amend existing Federal law and regulations on the reporting of pipeline leaks to require the reporting of any such future leak which—

(A) the person owning or operating the pipeline facility knew or reasonably should have known existed;

(B) was not caused by operation, inspection, or adjustment procedures which were properly carried out; and

(C) posed a threat to public health or safety, property, or the environment.

REPORT ON IMPLEMENTATION EFFORTS REGARDING DISTRIBUTION OF GAS IN CONNECTION WITH THE RENTAL OR LEASE OF REAL PROPERTY

Report to Congress. 49 USC 1682 note.

SEC. 111. (a) Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall prepare and transmit to each House of the Congress a report on how, when, and to what extent the Department of Transportation intends to implement its safety jurisdiction over the distribution of gas by any person in connection with the rental or lease of real property by that person, particularly in instances in which the gas being distributed to the renter or lessee is not separately metered.

(b) The Secretary shall provide reasonable notice and an opportunity for public comment in connection with the preparation of the report required under subsection (a).

EFFECTIVE DATE

49 USC 1671 note.

SEC. 112. (a) The provisions of this subtitle, including amendments made by such provisions, shall take effect on the date of the enactment of this Act.

(b) Suits, actions, or other proceedings pending upon the date of the enactment of this subtitle shall not be affected by the provisions of this subtitle and shall be completed as if this title had not been enacted, unless the Secretary makes a determination that the public safety otherwise requires.

SUBTITLE B—LNG FACILITIES

DEFINITIONS

49 USC 1671.

SEC. 151. Section 2 is amended by striking out "and" at the end of paragraph (9), by striking out the period at the end of paragraph (10) and inserting a semicolon in lieu thereof, and by adding at the end thereof the following new items:

"(11) 'LNG' means natural gas in a liquid or semisolid state;

"(12) 'LNG facility' means any pipeline facility used for the transportation or storage of LNG, or for LNG conversion, in interstate or foreign commerce, but does not include any structure or equipment (or portion thereof) located in navigable waters (as defined in section 3(8) of the Federal Power Act (16 U.S.C. 796(8)));

"(13) 'LNG conversion' means conversions of natural gas into LNG (liquefaction or solidification) or the conversion of LNG into natural gas (vaporization);

"(14) 'Existing LNG facility' means any LNG facility for which an application for the approval of the siting, construction, or operation of such facility was filed before March 1, 1978, with—

"(A) the Department of Energy or any predecessor organization of the Department, or

"(B) the appropriate State or local agency, in the case of any facility not subject to the jurisdiction of the Department of Energy under the Natural Gas Act,

except that such term does not include any facility the construction of which commences on or after the date of the enactment of this paragraph and such construction is not pursuant to such an approval;

"(15) 'New LNG facility' means any LNG facility other than an existing LNG facility;

"(16) 'LNG accident' means any release, burning, or explosion of LNG resulting from—

"(A) a rupture or other failure of a storage tank, pipeline, or other LNG facility;

"(B) natural hazards (including earthquakes, hurricanes, and high winds);

"(C) sabotage; or

"(D) any other cause;

other than any such release, burning, or explosion which, as determined in accordance with regulations prescribed by the Secretary, does not pose a threat to public health or safety, property, or the environment; and

"(17) 'Interstate or foreign commerce' means any trade, traffic, transportation, exchange, or other commerce—

"(A) between any State and any place outside of such State, or

"(B) which affects any trade, transportation, exchange, or other commerce described in subparagraph (A).".

SITING AND SAFETY STANDARDS

SEC. 152. (a) The Act is amended by redesignating sections 6, 7, and 8 as sections 8, 9, and 10, respectively, and by inserting after section 5 the following new section: 49 USC 1675–1677. 49 USC 1674.

"STANDARDS FOR LNG FACILITIES

"SEC. 6. (a)(1) Not later than 180 days after the date of the enactment of this section, the Secretary shall establish, by regulation— Regulations. 49 USC 1674a.

"(A) minimum safety standards for determining the location of any new LNG facility, and

"(B) minimum safety standards for the design, installation, construction, initial inspection, and initial testing of any new LNG facility.

"(2) After the date standards first take effect under this section, no new LNG facility may be constructed other than in accordance with the applicable standards prescribed under this section. The Secretary shall ensure that the facility is constructed and operated in compliance with such standards.

"(3) No new LNG facility may be operated unless the person operating such facility has previously submitted a contingency plan which sets forth those steps which are to be taken in the event of an LNG accident and which is determined to be adequate by the Department of Energy or the appropriate State agency, in the case of any facility not subject to the jurisdiction of the Department under the Natural Gas Act. 15 USC 717w.

"(b) Not later than 270 days after the date of the enactment of this subsection, the Secretary shall establish minimum standards to be maintained with respect to the operation and maintenance of any LNG facility.

"(c)(1)(A) Except to the extent provided under subparagraph (B), any standard issued under this Act after March 1, 1978, affecting the design, location, installation, construction, initial inspection, or initial testing shall not apply to an existing LNG facility either—

"(i) under the authority of this Act; or

"(ii) under the authority of any other Federal law if such standard was not issued at the time such authority was exercised.

"(B) Any such standard (other than one affecting location) may be made applicable under the provisions of such standard to any replacement component or part thereof of an LNG facility if that component or part is placed in service after the date of the issuance of that standard, but only if such applicability—

"(i) would not render such component or part incompatible with the other components or parts of the facility involved; or

"(ii) would not otherwise be impracticable.

No standard issued under this Act after March 1, 1978, affecting location shall apply to any replacement component or part thereof of an existing LNG facility.

49 USC 1672.

"(2) Nothing in this section shall preclude the application of standards under section 3 to pipeline facilities (other than LNG facilities) associated with LNG facilities.

"(3) Standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to LNG facilities in existence on the date such standards are adopted.

"(d) In prescribing general safety standards under subsections (a) and (b), the Secretary shall take into consideration—

"(1) with respect to standards relating to the location of any new LNG facility—

"(A) the nature of the use of the facility;

"(B) the existing and projected population and demographic characteristics associated with the location involved;

"(C) the existing and proposed land uses near such location;

"(D) the meteorological, geological, topographical, seismic, and other natural physical aspects of such location;

"(E) the medical, law enforcement, and fire prevention capabilities existing near such location to cope with risks created by such a facility; and

"(F) the need to encourage remote siting;

"(2) with respect to standards applicable to the design, installation, construction, initial inspection, and initial testing of any new LNG facility—

"(A) the thermal resistance and other characteristics of materials to be used in the construction of such facility as compared to alternative materials;

"(B) design factors (such as multiple diking, insulated concrete, and vapor containment barriers);

"(C) the characteristics of the LNG to be stored or converted at, or transported by, such facility (for example, whether it is to be in a liquid or semisolid state); and

"(D) the public safety factors of the design as compared to alternative designs (particularly the ability under such a design to prevent and contain an LNG spill); and

"(3) with respect to standards for the operation and maintance of any LNG facility—

"(A) the conditions, features, and type of equipment and structures which comprise, or which are used in connection with, such facility;

"(B) the fire prevention and containment equipment at such facility;

"(C) the security measures to be used with respect to the operation of such facility for the prevention of sabotage or other intentional acts which could cause an LNG accident;

"(D) maintenance procedures and equipment;

"(E) the training of personnel with respect to the equipment, structures, measures, and procedures described in subparagraphs (A), (B), (C), and (D); and

"(F) other factors and conditions relating to the safe handling of LNG.

"(e) At any time after the effective date of standards initially prescribed under subsections (a) and (b), the Secretary shall, on his own motion or on the motion of any person, amend such standards to the extent he considers necessary to reflect changes in technology or to otherwise carry out the purposes of this section.

"(f) The provisions of the last two sentences of subsection (a)(1) of section 3 and of subsections (b), (c), and (d) of section 3 shall apply with respect to standards prescribed under this section in the same manner as they apply to standards prescribed under section 3.".

Ante, p. 992.
49 USC 1672.

(b)(1) Section 2(3) (definition of transportation of gas) is amended by striking out "or affecting".

49 USC 1671.

(2) Section 3(d) (relating to waiver of standards), as redesignated, is amended by inserting after "in the same manner" the following: "and to the same extent".

Ante, p. 992.
49 USC 1672.

(3) Section 9 (relating to cooperation with Federal Energy Regulatory Commission), as redesignated, is amended—

Ante, p. 999.
49 USC 1676.

(A) by inserting "section 3 or" after "proceedings under";

(B) by inserting "to import natural gas or" after "authority";

(C) by striking out "a gas pipeline which is" and inserting in lieu thereof "pipeline facilities which are"; and

(D) by inserting "the Department of Energy and" before "the Commission unless".

FINANCIAL RESPONSIBILITY

SEC. 153. The Act, as amended by section 152 of this Act, is further amended by inserting after the new section 6 the following new section:

Ante, p. 999.

"FINANCIAL RESPONSIBILITY FOR CERTAIN LNG ACTIVITIES; STUDIES

"SEC. 7. (a) Not later than 270 days after the date of the enactment of this section, the Secretary shall—

49 USC 1674b.

"(1) conduct a study of—

"(A) the risks associated with the production, transportation, and storage of LNG;

"(B) the risks associated with the production, transportation, and storage of liquified petroleum gas;

"(C) the methods of assuring adequate financial responsibility for those engaged in any such activity; and

"(2) prepare and transmit to each House of the Congress a report on the results of such study, together with the recommen-

Report to Congress.

dations of the Secretary for such legislative or administrative action as he considers appropriate.

"(b)(1) Whenever the Secretary has reason to believe that any operator of an LNG facility is not maintaining adequate insurance or otherwise does not have adequate financial responsibility with respect to such facilities, he may issue and serve upon such operator notice thereof, together with a statement of the amount of the financial responsibility that the Secretary would consider adequate.

Hearing.

"(2) Any person issued notice under paragraph (1) shall have a right to hearing on the record in accordance with section 554 of title 5, United States Code, to be held not later than 30 days after notice under paragraph (1), at which such person has the right to show cause as to why an order should not be issued by the Secretary requiring such person to demonstrate and maintain financial responsibility at or above the amount indicated in the notice under paragraph (1).

"(3) After an opportunity for hearing under paragraph (2), the Secretary may, if he determines it is justified in the public interest, order the person issued notice of such hearing to demonstrate and maintain financial responsibility at or above an amount determined appropriate by the Secretary, taking into account any information, data, and views presented in such hearing.

Judicial review.

"(4)(A) Any person aggrieved by an order issued under paragraph (3) may seek judicial review of such order only by filing a petition for review in the appropriate court of appeals of the United States within 60 days after such order is issued.

"(B) Upon receipt of notice of the filing of such petition, the Secretary shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon such filing, the court may affirm, modify, remand, or set aside the order of the Secretary, and may enforce the order to the extent that such order is affirmed and issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public pendente lite. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive.

Review by Supreme Court.

"(C) The judgment and decree of the court shall be final, except that such judgment and decree shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(c) For purposes of subsection (b) of this section, financial responsibility may be maintained by any one of, or a combination of, the following methods acceptable to the Secretary:

"(1) evidence of insurance,

"(2) surety bonds,

"(3) qualification as a self-insurer, or

"(4) other evidence of financial responsibility.".

ENFORCEMENT OF STANDARDS AND FINANCIAL RESPONSIBILITY REQUIREMENTS

49 USC 1679a. *Ante*, p. 992.

SEC. 154. Section 11(a) (relating to penalties), as added by section 104, is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

Ante, p. 999, 1001.

"(2) Any person who is determined by the Secretary to have violated any standard or order under section 6 or 7(b) shall be subject to a civil penalty of not to exceed $50,000, which penalty shall be in addition to any other penalties to which such person may be subject under this subsection.".

INTERVENTION BY THE SECRETARY IN SAFETY PROCEEDINGS

SEC. 155. (a) Section 15, as redesignated, is amended by adding at the end thereof the following new subsection: *Ante*, p. 992. 49 USC 1682.

"(d) The Secretary may as a matter of right intervene or otherwise participate in any proceeding before the Federal Energy Regulatory Commission, or any State agency, which involves safety requirements relating to LNG facilities. The Secretary shall comply with rules of procedure of general applicability governing the timing of intervention or participation in such proceeding or activity and, upon intervening or participating therein, shall comply with rules of procedure of general applicability governing the conduct thereof.".

(b) Section 15(a), as redesignated, is amended by inserting ", or any appropriate State agency," after "Commission".

EFFECTIVE DATE

SEC. 156. The provisions of this subtitle, including amendments made by such provisions, shall take effect on the date of the enactment of this Act. 49 USC 1671 note.

TITLE II—LIQUID PIPELINE SAFETY

Hazardous Liquid Pipeline Safety Act of 1979.

SHORT TITLE

SEC. 201. This title may be cited as the "Hazardous Liquid Pipeline Safety Act of 1979". 49 USC 2001 note.

DEFINITIONS

SEC. 202. As used in this title— 49 USC 2001.

(1) "person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

(2) "hazardous liquid" means—

(A) petroleum or any petroleum product, and

(B) any substance or material which is in liquid state (excluding liquefied natural gas) when transported by pipeline facilities and which, as determined by the Secretary, may pose an unreasonable risk to life or property when transported by pipeline facilities;

(3) "transportation of hazardous liquids" means the movement of hazardous liquids by pipeline, or their storage incidental to such movement, in or affecting interstate or foreign commerce; except that it shall not include any such movement through gathering lines in rural locations or onshore production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any of such facilities;

(4) "pipeline facilities" includes, without limitation, new and existing pipe, rights-of-way, and any equipment, facility, or building used or intended for use in the transportation of hazardous liquids but "rights-of-way" as used in this title does not authorize the Secretary to prescribe the location or the routing of any pipeline facility;

(5) "interstate pipeline facilities" means the pipeline facilities used in the transportation of hazardous liquids in interstate or foreign commerce;

(6) "intrastate pipeline facilities" means pipeline facilities which are not interstate pipeline facilities;

(7) "interstate or foreign commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof;

(8) "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(9) "municipality" means a city, county, or other political subdivision of a State;

(10) "national organization of State commissions" means the national organization of the State commissions referred to in subchapter III of chapter 103 of title 49, United States Code; and

(11) "Secretary" means the Secretary of Transportation.

REGULATIONS GOVERNING HAZARDOUS-LIQUID PIPELINE FACILITIES

Federal safety standards, establishment.
49 USC 2002.

SEC. 203. (a) The Secretary shall, by regulation, establish minimum Federal safety standards for the transportation of hazardous liquids and pipeline facilities. The standards shall apply to each person who engages in the transportation of hazardous liquids or who owns or operates pipeline facilities. The standards shall be practicable and designed to meet the need for safe transportation of hazardous liquids.

(b) In prescribing standards under this section, the Secretary shall consider—

(1) relevant available pipeline data;

(2) whether the standards are appropriate for the particular type of pipeline transportation or facility;

(3) the reasonableness of any proposed standards; and

(4) the extent to which the standards will contribute to public safety.

(c) Standards under this section may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Any standard issued under this section affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence on the date such standard is adopted.

(d) Any State agency may adopt additional or more stringent safety standards for intrastate pipeline facilities and the transportation of hazardous liquids associated with such facilities, if such standards are compatible with the Federal standards issued under this title. No State agency may adopt or continue in force any safety standards applicable to interstate pipeline facilities or the transportation of hazardous liquids associated with such facilities.

(e) The Secretary may provide that the Federal minimum safety standards established under this section include a requirement that any operator of pipeline facilities—

(1) participate in any public safety program—

(A) which provides for notice to pipeline facility operators of proposed demolition, excavation, tunneling, or construction near or affecting such facility;

(B) which requires such operators to identify specific pipeline facilities which may be affected by the proposed demolition, excavation, tunneling, or construction, for the purpose of preventing damage to such facilities; and

(C) which the Secretary determines is being carried out in a manner adequate to assure protection against the hazards to that operator's pipeline facilities created by such demolition, excavation, tunneling, or construction; or

(2) establish and carry out a damage prevention program which provides services to the public with respect to that operator's pipeline facilities which are comparable to those which would be available to the public under a program described in paragraph (1).

Effective date.

(f) Any standards prescribed under this section, and amendments thereto, shall become effective thirty days after the date of issuance of such standards unless the Secretary, for good cause recited, determines an earlier or later effective date is required as a result of the period reasonably necessary for compliance and such date is specified in the regulation establishing or amending such standard.

5 USC 551 *et seq.*

(g) The provisions of subchapter II of chapter 5 of title 5 of the United States Code shall apply to all actions establishing, amending, revoking, or directing or waiving compliance with, any standard established under this Act. The Secretary shall afford interested persons an opportunity to participate fully in the establishment of such safety standards through submission of written data, views, or arguments with opportunity to present oral testimony and argument.

Waiver.

(h) Upon application by any person engaged in the transportation of hazardous liquids or the operation of pipeline facilities, the Secretary may, by order, after notice and opportunity for hearing and under such terms and conditions and to such extent as he deems appropriate, waive in whole or in part compliance with any standard established under this title, if he determines that a waiver of compliance with such standard is not inconsistent with pipeline safety. The Secretary shall state his reasons for any such waiver. A State agency, with respect to which there is in effect a certification pursuant to section 205(a) or an agreement pursuant to section 205(b), may waive compliance with a safety standard in the same manner and to the same extent as the Secretary, provided such State agency gives the Secretary written notice at least sixty days prior to the effective date of the waiver. If, before the effective date of a waiver to be granted by a State agency, the Secretary objects in writing to the granting of the waiver, any State agency action granting the waiver will be stayed. After notifying such State agency of his objection, the Secretary shall afford such agency a prompt opportunity to present its request for waiver, with opportunity for hearing, and the Secretary shall determine finally whether the requested waiver may be granted.

TECHNICAL HAZARDOUS-LIQUID PIPELINE SAFETY STANDARDS COMMITTEE

Establishment.
49 USC 2003.

SEC. 204. (a) Not later than 12 months after the date of the enactment of this Act, the Secretary shall establish a Technical Hazardous-Liquid Pipeline Safety Standards Committee and appoint the initial members of the Committee. The Committee shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of the transportation of hazardous liquids or the operation of pipeline facilities, and shall be composed of fifteen members each of whom shall be experienced in the safety regulation of the transportation of hazardous liquids and of pipeline facilities or technically qualified by training, experience, or knowledge in one or more fields of engineering applied in the transportation of hazardous liquids or the operation of pipeline facilities to evaluate pipeline safety standards, as follows:

Membership.

(1) five members shall be selected from governmental agencies, including State and Federal Governments, two of whom, after consultation with representatives of the national organization of State commissions, shall be State commissioners;

(2) four members shall be selected from the hazardous liquids industry after consultation with industry representatives, not less than three of whom shall be currently engaged in the active operation of pipeline facilities; and

(3) six members shall be selected from the general public.

Proposed standard or amendment.

Report.

Final standard or amendment.

(b) After the Committee has been established and its members appointed, the Secretary shall submit to the Committee any proposed standard under this title, or any proposed amendment to a standard under this title, for its consideration. Within 90 days after receipt by the Committee of any proposed standard or amendment, the Committee shall prepare a report on the technical feasibility, reasonableness, and practicability of such standard or amendment. The Secretary may prescribe a final standard or a final amendment to a standard at any time after the 90th day after its submission to the Committee, whether or not the Committee has reported on such standard or amendment. Each report by the Committee, including any minority views, shall be published by the Secretary and, if timely made, form a part of the proceedings for the promulgation of standards. In the event that the Secretary rejects the conclusions of the majority of the Committee, he shall not be bound by such conclusions but shall publish his reasons for rejection thereof. The Committee may propose safety standards for pipeline facilities and the transportation of hazardous liquids to the Secretary for his consideration. The Committee shall meet with the Secretary (or his designee) not less frequently than once every 6 months. All proceedings of the Committee shall be recorded and the record of each proceeding shall be available for public inspection.

Safety standards, proposal.

Compensation.

5 USC 5332 note.

Travel expenses.

(c) Members of the Committee other than Federal employees may be compensated at a rate to be fixed by the Secretary at not to exceed the daily equivalent of the maximum annual rate of basic pay then currently payable under the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) when engaged in the actual duties of the Committee. All members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

STATE CERTIFICATIONS AND AGREEMENTS

Safety standards, enforcement.
49 USC 2004.

SEC. 205. (a) Except for section 215 and except as otherwise provided in this section, the authority of the Secretary under this Act to prescribe safety standards and enforce compliance with such standards shall not apply to intrastate pipeline facilities or the transportation of hazardous liquids associated with those facilities, when the safety standards and practices applicable to same are regulated by a State agency which submits to the Secretary an annual certification that such State agency—

(1) has regulatory jurisdiction over the safety standards and practices of intrastate pipeline facilities and the transportation of hazardous liquids associated with those facilities;

(2) has adopted, as of the date of the certification, each Federal safety standard established under this title which is applicable to intrastate pipeline facilities and the transportation of hazardous liquids associated with those facilities or, with respect to each such Federal safety standard established within 120 days before the date of certification, is taking steps pursuant to State law to adopt such standard;

(3) is enforcing each such standard;

(4) is encouraging and promoting programs designed to prevent damage to pipeline facilities as a consequence of demolition, excavation, tunneling, or construction activity; and

(5) has the authority to require record maintenance, reporting, and inspection substantially the same as are provided under section 211 and the filing for approval of plans of inspection and maintenance described in section 210 and that the law of the State makes provision for the enforcement of the safety standards of such State agency by way of injunctive and monetary sanctions substantially the same as are provided under sections 208 (other than subsection (a)(2) thereof) and 209.

Report.

Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing (i) name and address of each person subject to the safety jurisdiction of the State agency; (ii) all accidents or incidents reported during the preceding 12 months by each such person involving personal injury requiring hospitalization, fatality, or property damage exceeding $5,000 (whether or not sustained by a person subject to the safety jurisdiction of the State agency) and any other accident which the State agency considers significant, together with a summary of the State agency's investigation as to the cause and circumstances surrounding such accident or incident; (iii) the record maintenance, reporting, and inspection practiced by the State agency to enforce compliance with such Federal safety standards, including a detail of the number of inspections made of pipeline facilities by the State agency during the preceding 12 months; and (iv) such other information as the Secretary may require. The report included with the first annual certification need not show information unavailable at that time.

(b) With respect to any intrastate pipeline facilities or transportation of hazardous liquids associated with those facilities for which the Secretary does not receive an annual certification under subsection (a), the Secretary may, by agreement with a State agency authorize such agency to assume responsibility for, and carry out on behalf of the Secretary as it relates to those facilities or associated transportation, the necessary actions to—

(1) establish an adequate program for record maintenance, reporting, and inspection designed to assist compliance with Federal safety standards; and

(2) establish procedures for approval of plans for inspection and maintenance substantially the same as are required under section 210.

Safety standard violation or probable violation, notification.

Any agreement executed pursuant to this subsection shall require the State agency promptly to notify the Secretary of any violation or probable violation of a Federal safety standard which it discovers as a result of its program.

State program, monitoring.

(c) The Secretary may conduct whatever monitoring may be necessary of any State program established by certification or agreement under this section to assure that such programs are being carried out in compliance with such certification or agreement. State agencies shall cooperate fully in any monitoring of their programs under this subsection.

(d)(1) Except as otherwise provided in this section, if an application submitted not later than September 30 in any calendar year, the Secretary shall pay out of funds appropriated or otherwisc made available up to 50 percent of the cost of the personnel, equipment, and activities of a State agency reasonably required during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary with respect to interstate pipeline facilities. The Secretary may, after notice and consultation with a State agency, withhold all or any part of the funds for a particular State agency if he determines that such State agency (A) is not satisfactorily carrying out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section, or (B) is not satisfactorily acting as agent of the Secretary with respect to interstate pipeline facilities. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State, exclusive of Federal grants, for hazardous liquid pipeline safety programs will be maintained at a level which does not fall below the average level of such expenditures for the last 2 fiscal years preceding the date of enactment of this section.

Funds withholding.

(2) Funds authorized to be appropriated by section 214 of this title shall be allocated among the several States for payments to aid in the conduct of pipeline safety programs in accordance with paragraph (1) of this subsection.

Funds allocation.

(3) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

Payment methods.

(4) The Secretary may, by regulation, provide for the form and manner of filing of applications under this section, and for such reporting and fiscal procedures as he deems necessary to assure the proper accounting for Federal funds.

(e) A certification which is in effect under subsection (a) shall not apply with respect to any new or amended Federal safety standard established for intrastate pipeline facilities or transportation of hazardous liquids associated with those facilities pursuant to this title after the date of such certification. The provisions of this title shall apply to any such new or amended Federal safety standard until the State agency has adopted such standard and has submitted an appropriate certification in accordance with provisions of subsection (a).

Certification, applicability.

(f) If after receipt of annual certification under subsection (a), the Secretary determines that the State agency is not satisfactorily enforcing compliance with Federal safety standards, he may, on reasonable notice and after opportunity for hearing, reject the certification or take such other action as he deems appropriate to achieve adequate enforcement including the assertion of Federal jurisdiction. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily enforcing compliance with Federal safety standards.

Notice; hearing.

(g) Any agreement under subsection (b) may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to comply with any provision of such agreement. Such finding and termination shall be published in the

Agreement termination.

Publication in Federal Register.

Federal Register and shall become effective no sooner than 15 days after the date of publication.

JUDICIAL REVIEW

Petition filing. 49 USC 2005.

SEC. 206. (a) Any person who is or will be adversely affected or aggrieved by any regulation issued under this title or any order issued relating to an application for waiver under section 203(h) may at any time prior to the 60th day after such regulation or order is issued file a petition for a judicial review with the United States Court of Appeals for the District of Columbia or for the circuit wherein such petitioner is located or has his principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose.

(b) Upon the filing of the petition referred to in subsection (a), the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief as provided in such chapter.

5 USC 701 *et seq.*

Review by Supreme Court.

(c) The judgment of the court affirming or setting aside, in whole or in part, any such regulation or order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(d) Any action instituted under this section shall survive, notwithstanding any change in the person occupying the office of the Secretary or any vacancy in such office.

(e) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

COMPLIANCE

49 USC 2006.

SEC. 207. (a) Each person who engages in the transportation of hazardous liquids or who owns or operates pipeline facilities shall—

(1) at all times after the date any applicable safety standard established under this title takes effect comply with the requirements of such standard;

(2) establish and maintain a plan of inspection and maintenance required by section 210 and comply with such plan; and

(3) permit access to or copying of records, and make reports or provide information, and permit entry or inspection, as required under section 211.

(b)(1) The Secretary may issue orders directing compliance with this Act or any regulation issued under this Act. Any such order shall clearly set forth the particular actions required of the person to whom the order is issued.

U.S. jurisdiction.

(2) The district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce any such order by appropriate means.

(c) Nothing in this title shall affect the common law or statutory liability of any person.

PENALTIES

49 USC 2007.

SEC. 208. (a)(1) Any person who is determined by the Secretary to have violated any provisions of section 207(a) or any regulation or order issued under this title, including any order issued under section 207(b) or 209(b), shall be liable to the United States for a civil penalty of not more than $1,000 for each violation for each day that violation persists, except that the maximum civil penalty shall not exceed $200,000 for any related series of violations.

Penalty assessment.

(2) The amount of the penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

Recovery.

(b) A civil penalty assessed under subsection (a) may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, prior to referral to the Attorney General, it may be compromised by the Secretary. The amount of the penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c)(1) Any person who willfully and knowingly violates section 207(a) or a regulation or order issued under this title, including any order issued under section 207(b) or 209(b), shall, upon conviction, be subject, for each offense, to a fine of not more than $25,000, imprisonment for a term not to exceed 5 years, or both.

(2) Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any interstate pipeline facility shall, upon conviction, be subject, for each offense, to a fine of not more than $25,000, imprisonment for a term not to exceed 15 years, or both.

(d) Nothing in this title shall be construed to authorize the imposition of penalties for the violation of any regulation and the violation of any order under section 207(b) or 209(b) if both violations are based on the same act.

SPECIFIC RELIEF

Redress or restraint of violation. 49 USC 2008.

SEC. 209. (a)(1) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress or restrain a violation by any person of a provision of this title or a regulation issued under this title. Such district courts shall have jurisdiction to determine such actions and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

Trial.

(2) In any proceeding for criminal contempt for violation of a mandatory or prohibitive injunction issued under this subsection, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

18 USC app.

(b)(1) If the Secretary finds, after reasonable notice and an opportunity for hearing, that any pipeline facility is hazardous to life or property, he shall, by order, require the person operating the facility to take necessary corrective action. Such corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action, as appropriate.

(2) The Secretary may find a pipeline facility to be hazardous under paragraph (1)—

(A) if under the facts and circumstances he determines the particular facility is hazardous to life or property, or

(B) if the pipeline facility or a component thereof has been constructed or operated with any equipment, material, or technique which he determines is hazardous to life or property, unless the operator involved demonstrates to the satisfaction of the Secretary that under the particular facts and circumstances involved such equipment, material, or technique is not hazardous to life or property.

(3) In making a determination under paragraph (2), the Secretary shall consider, if relevant—

(A) the characteristics of the pipe and other equipment used in the pipeline facility involved, including its age, manufacturer, physical properties (including its resistance to corrosion and deterioration), and the method of its manufacture, construction, or assembly;

(B) the nature of the materials transported by such facility (including their corrosive and deteriorative qualities), the sequence in which such materials are transported, and the pressure required for such transportation;

(C) the aspects of the areas in which the pipeline facility is located, in particular the climatic and geologic conditions (including soil characteristics) associated with such areas, and the population density and population and growth patterns of such areas;

(D) any recommendation of the National Transportation Safety Board issued in connection with any investigation conducted by the Board under other provisions of law; and

(E) such other factors as the Secretary may consider appropriate.

U.S. jurisdiction.

(4) The district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce orders issued under this subsection by appropriate means.

Notice and hearing, waiver.

(5) The Secretary may waive the requirements for notice and hearing under this subsection and provide for expeditious issuance of an order under this subsection in any case in which he determines that the failure to do so would result in the likelihood of serious harm to life or property. However, the Secretary shall include in such an order an opportunity for hearing as soon as practicable after issuance of an order.

INSPECTION AND MAINTENANCE

Written plan.
49 USC 2009.

SEC. 210. (a) Each person who engages in the transportation of hazardous liquids or who owns or operates pipeline facilities shall prepare, maintain at such office or offices of that person as the Secretary determines appropriate, and carry out a current written plan for inspection and maintenance of each facility used in that transportation and owned or operated by that person in accordance with regulations prescribed by the Secretary or, where a certification or agreement pursuant to section 205 of this title is in effect, by the appropriate State agency. The Secretary may, by regulation, also require persons who engage in the transportation of hazardous liquids or who own or operate pipeline facilities subject to the provisions of this title to file such plans for approval. A plan required by this subsection shall be practicable and designed to meet the need for pipeline safety and shall be made available to the Secretary or appropriate State agency upon request pursuant to section 211.

Plans, filing for approval.

Plan revision.

(b) If the Secretary or appropriate State agency finds that a plan required under this section is inadequate to achieve safe operation of pipeline facilities, the Secretary or appropriate State agency shall, after notice and opportunity for a hearing, require the plan to be revised. In determining the adequacy of a plan filed under this section, the Secretary or appropriate State agency shall consider—

(1) relevant available pipeline safety data;

(2) whether the plan is appropriate for the particular type of pipeline transportation or facility;

(3) the reasonableness of the plan; and

(4) the extent to which such plan will contribute to public safety.

POWERS AND DUTIES OF THE SECRETARY

49 USC 2010.

SEC. 211. (a) The Secretary may, to the extent necessary to carry out his responsibilities under this title, conduct investigations, make reports, issue subpenas, conduct hearings, require the production of relevant documents and records, take depositions, and conduct, directly or, by contract, or otherwise, research, testing, development, demonstration, and training activities; however, before the Secretary may exercise authority under this section to require testing of portions of pipeline facilities subject to the provisions of this title which have been involved in or affected by an accident, he shall make every effort to negotiate a mutually acceptable plan with the owner of such facilities and, where appropriate, the National Transportation Safety Board for performing such testing.

(b) Each person who engages in the transportation of hazardous liquids or who owns or operates pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require, and shall submit such reports and shall make such records and information available as the Secretary may request, to enable him to determine whether such person has acted or is acting in compliance with this title and the standards or orders issued under this title.

(c) Officers, employees, or agents authorized by the Secretary, upon presenting appropriate credentials to the person in charge, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining whether such persons have acted or are acting in compliance with this title and the standards or orders issued under this title.

Accident reports, availability for any judicial proceeding and general public.

(d) Accident reports made by any officer, employee, or agent of the Department of Transportation shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident. Any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigations. Any such report shall be made available to the public in a manner which need not identify individuals. All reports on research projects, demonstration projects, and other related activities shall be public information.

Trade secret, confidentiality.

(e) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a), (b), or (c) which information contains or relates to a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer, employee, or agent under his control, from the duly authorized committees of the Congress.

PIPELINE SAFETY COORDINATION AND COOPERATION

Information to Federal Energy Regulatory Commission. 49 USC 2011.

SEC. 212. (a) Upon request, the Secretary shall furnish to the Federal Energy Regulatory Commission or any appropriate State agency, with respect to matters under their jurisdiction, any information he has concerning the safety of any materials, operations, devices, or processes relating to the transportation of hazardous liquids or the operation of pipeline facilities.

(b) The Secretary is authorized to advise, assist, and cooperate with other Federal departments and agencies and State and other interested public and private agencies and persons, in the planning and development of (1) Federal safety standards relating to hazardous liquids, and (2) methods for inspecting and testing to determine compliance with Federal safety standards relating to hazardous liquids.

Consultation and recommendations.

(c) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this title and to improve State and local pipeline safety programs relating to hazardous liquids.

ANNUAL REPORT

Report to President for transmittal to Congress. 49 USC 2012.

SEC. 213. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on June 15 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include—

(1) a thorough compilation of the leak repairs, accidents, and casualties occurring in such year with a statement of cause whenever investigated and determined by the National Transportation Safety Board;

(2) a list of Federal hazardous liquid pipeline safety standards established or in effect in such year with identification of standards newly established during such year;

(3) a summary of the reasons for each waiver granted under section 203(h) during such year;

(4) an evaluation of the degree of observance of applicable safety standards for the transportation of hazardous liquids and pipeline facilities including a list of enforcement actions, and compromises of alleged violations by location and company name;

(5) a summary of outstanding problems confronting the administration of this title in order of priority;

(6) an analysis and evaluation of research activities, including the policy implications thereof, completed as a result of Government and private sponsorship and technological progress for safety achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions under the title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies (including municipalities) under section 205(a) which were in effect during the preceding calendar year, and

(B) certifications filed under section 205(a) which were rejected by the Secretary during the preceding calendar year, together with a summary of the reasons for such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies (including municipalities) under section 205(b) which were in effect during the preceding calendar year, and

(B) agreements entered into under section 205(b) which were terminated by the Secretary during the preceding calendar year, together with a summary of the reasons for each such termination.

(11) a description of the number and qualifications of State pipeline safety inspectors in each State for which a certification or agreement is in effect under section 205, together with the number of such pipeline inspectors (and their qualifications) which the Secretary recommends for that State.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of hazardous liquid pipeline safety programs.

Annual report.
49 USC 1683.

(c) The Secretary is authorized to submit one annual report in satisfaction of the report requirements of this section and of section 16 of the Natural Gas Pipeline Safety Act of 1968.

APPROPRIATIONS AUTHORIZED

49 USC 2013.

SEC. 214. (a) For the purpose of carrying out the provisions of this title (other than provisions for which funds are authorized to be appropriated under subsection (b)), there are authorized to be appropriated—

(1) $1,800,000, for the fiscal year ending September 30, 1980; and

(2) $2,100,000, for the fiscal year ending September 30, 1981.

(b) For the purpose of carrying out the Federal grants-in-aid provisions of section 205 of this title, there are authorized to be appropriated—

(1) $500,000, for the fiscal year ending September 30, 1980; and

(2) $535,000, for the fiscal year ending September 30, 1981.

CITIZENS CIVIL ACTION

Mandatory or prohibitive injunctive relief.
49 USC 2014.

SEC. 215. (a) Except as provided in subsection (b), any person may commence a civil action for mandatory or prohibitive injunctive relief, including interim equitable relief, against any other person (including any State, municipality, or other governmental entity to the extent permitted by the eleventh amendment to the Constitution, and the United States) who is alleged to be in violation of this title or of any order or regulation issued under this title. The district courts of the United States shall have jurisdiction over actions brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced under subsection (a) with respect to any alleged violation of this title or any order or regulation issued under this title—

(1) prior to the expiration of 60 days after the plaintiff has given notice of such alleged violation to the Secretary (or to the applicable State agency in the case of a State which has been certified under section 205(a) and in which the violation is alleged to have occurred), and to any person who is alleged to have committed such violation; or

(2) if the Secretary (or such State agency) has commenced and is diligently pursuing administrative proceedings or the Attorney General of the United States (or the chief law enforcement officer of such State) has commenced and is diligently pursuing judicial proceedings with respect to such alleged violation.

Notice under this subsection shall be given in such manner as the Secretary shall prescribe by regulation.

(c) In any action under subsection (a), the Secretary (with the concurrence of the Attorney General) or the Attorney General may intervene as a matter of right.

(d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or at common law to seek enforcement of this title or any order or regulation under this title or to seek any other relief.

(e) In any action under this section the court may, in the interest of justice, award the costs of suit, including reasonable attorney's fees and reasonable expert witnesses fees, to a prevailing plaintiff. Such court may, in the interest of justice, award such costs to a prevailing defendant whenever such action is unreasonable, frivolous, or meritless. For purposes of this subsection, a reasonable attorney's fee is a fee (1) which is based upon (A) the actual time expended by an attorney in providing advice and other legal services in connection with representing a person in an action brought under this section, and (B) such reasonable expenses as may be incurred by the attorney in the provision of such services, and (2) which is computed at the rate prevailing for the provision of similar services with respect to actions brought in the court which is awarding such fee.

Reasonable attorney's fee.

(f) For purposes of this section, a violation of any safety standard or practice of any State shall be deemed to be a violation of this title or of any order or regulation under this title only to the extent that such standard or practice is not more stringent than the comparable Federal safety standard.

CONFORMING AMENDMENTS

Sec. 216. (a) Section 112(c) of the Hazardous Materials Transportation Act (49 U.S.C. 1811(c)) is amended by striking out "chapter 39 of title 18, United States Code" and inserting in lieu thereof "Hazardous Liquid Pipeline Safety Act of 1979".

(b) Sections 831 through 835 of chapter 39 of title 18, United States Code, are repealed.

Repeal.

EFFECTIVE DATE

Sec. 217. The provisions of this title shall take effect on the date of enactment.

49 USC 2001 note.

SAVINGS PROVISIONS

Sec. 218. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective under the provisions of chapter 39 of title 18, United States Code repealed by this title and which are in effect at the time this title takes effect,

18 USC 831 note.

Supra.

shall continue in effect as though issued, made, granted, or allowed to become effective under the authority of this title, according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) Suits, actions, or other proceedings pending upon the date of enactment of this title shall not be affected by the provisions of this title and shall be completed as if this title had not been enacted, unless the Secretary makes a determination that the public safety otherwise requires.

Approved November 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-201, Pt. 1 (Comm. on Interstate and Foreign Commerce) and No. 96-201, Pt. II (Comm. or Public Works and Transportation), both accompanying H.R. 51.

SENATE REPORT No. 96-182 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 125 (1979):

June 4, considered and passed Senate.

Sept. 17, 18, H.R. 51 considered and passed House; passage vacated and S. 411, amended, passed in lieu.

Nov. 14, Senate concurred in House amendments with an amendment.

Nov. 15, House concurred in Senate amendment.

Public Law 96-130
96th Congress

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes.

Nov. 30, 1979
[H.R. 4391]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction Appropriation Act, 1980.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, $725,649,000, of which $500,000 may be paid for use after 1960 by the Government of the United States of land on Roi-Namur Island, Marshall Islands District of the Trust Territories of the Pacific Islands, as authorized by the Military Construction Authorization Act, 1980, to remain available until September 30, 1984: *Provided,* That of this amount, not to exceed $50,700,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Notification to congressional committees.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $567,000,000, to remain available until September 30, 1984: *Provided,* That of this amount, not to exceed $56,049,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Notification to congressional committees.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, $565,456,000, to remain available until September 30, 1984: *Provided*, That of this amount, not to exceed $44,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Notification to congressional committees.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments), as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, $192,350,000, and, in addition, not to exceed $20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate: *Provided further*, That $39,200,000 shall be transferred to "Military Construction, Defense Agencies, 1979/1983" from "Military Construction, Air Force, 1979/1983": *Provided further*, That of the amount appropriated, not to exceed $12,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Notification to congressional committees.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $23,700,000, to remain available until September 30, 1984.

10 USC 2231 *et seq.*

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $36,000,000, to remain available until September 30, 1984.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $30,000,000, to remain available until September 30, 1984.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $18,300,000, to remain available until September 30, 1984. 10 USC 2231 *et seq.*

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $12,000,000, to remain available until September 30, 1984.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $1,622,122,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts: 42 USC 1594a-1.

For the Army:
  Construction, $500,000;
For the Air Force:
  Construction, $500,000;
For Department of Defense:
  Debt payment, $152,535,000;
  Operation, maintenance, $1,468,587,000:

Provided, That the amounts provided under this head for construction, and for debt payment, shall remain available until September 30, 1984: *Provided further,* That of the amounts appropriated for operation and maintenance, not less than $645,000,000 shall be available only for the maintenance of real property facilities.

FOREIGN CURRENCY FLUCTUATION, CONSTRUCTION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For transfer by the Secretary of Defense to appropriations and funds available during fiscal year 1980, or thereafter, for military construction or expenses of family housing for the military departments and Defense agencies, as he determines necessary to provide funds for those appropriations or funds to eliminate losses caused by fluctuations in foreign currency exchange rates that vary from budget submissions, $100,000,000, and in addition, $25,000,000 which shall be derived from Family Housing, Defense, to remain available until expended: *Provided,* That funds transferred from this appropriation shall be merged with and be available for the same purpose, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That authorizations or limitations now or hereafter contained within appropriations or other provisions of law limiting the amounts that may be obligated or expended are 31 USC 628-3.

Report to Congress.

hereby increased to the extent necessary to reflect fluctuations in foreign currency exchange rates from those used in preparing the applicable budget submission: *Provided further,* That the Secretary of Defense shall provide an annual report to the Congress on all transfers made from this appropriation: *Provided further,* That contracts or other obligations entered into payable in foreign currencies may be recorded as obligations based on the currency exchange rates used in preparing budget submissions and adjustments to reflect fluctuations in such rates may be recorded as disbursements are made.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

42 USC 3374.

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $1,000,000.

GENERAL PROVISIONS

Prior appropriations.

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the first session of the Ninety-sixth Congress.

Contracts.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Construction costs, expedition.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction, and the application of economical construction practices.

Service facilities.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Motor vehicles, hire.
31 USC 638f.

SEC. 105. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

Access roads, construction.
31 USC 700b.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

New bases.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

Land purchases or easements.

SEC. 108. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities

Engineering Command, except: (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

Foreign projects.

SEC. 109. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Family housing limitations.

SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 111. Appropriations made available for "Family Housing, Defense" for construction and debt payment prior to September 17, 1978, shall not be available for obligation after September 30, 1983, and such funds shall be accounted for without distinction with funds appropriated for the same purposes in the Military Construction Appropriation Act, 1979.

Notification to Committee on Appropriations.

SEC. 112. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committee on Appropriations.

Base realignment or closure activities.

SEC. 113. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any base realignment or closure activity, until all terms, conditions and requirements of the National Environmental Policy Act have been complied with, with respect to each such activity.

Steel, procurement.

SEC. 114. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

MX bases, community impact studies.

SEC. 115. (a) Funds appropriated under this Act for the Air Force shall be available in an amount not to exceed $1,000,000 to assist States and local governments in potential MX basing areas in meeting the costs of establishing planning organizations to conduct studies on and develop plans with respect to possible community impacts of the MX program, including studies and plans with respect to environmental and socioeconomic impacts, State and community land use planning, and public facility requirements.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section. The heads of all departments and agencies shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

MX missile basing mode.

SEC. 116. None of the funds appropriated under this Act to continue development of the MX Missile may be used in a fashion which would commit the United States to only one basing mode for the MX missile system.

Short title.

This Act may be cited as the "Military Construction Appropriation Act, 1980".

Approved November 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-246 (Comm. on Appropriations) and No. 96-626 (Comm. of Conference).
SENATE REPORT No. 96-407 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- June 18, considered and passed House.
- Nov. 13, considered and passed Senate, amended.
- Nov. 16, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
- Nov. 19, Senate agreed to conference report and concurred in House amendments.

Public Law 96-131
96th Congress

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1980, and for other purposes.

Nov. 30, 1979
[H.R. 4440]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1980, and for other purposes, namely:

Department of Transportation and Related Agencies Appropriation Act, 1980.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine, $34,768,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $9,075,000.

LIMITATION ON WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $64,383,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation together with advances and reimbursements received by the Department of Transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eleven passenger motor vehicles, for replacement only; and recreation and welfare; $1,042,585,000 of which $224,218 shall be applied to Capehart Housing debt reduction: *Provided,* That the number of aircraft on hand at any one time shall not exceed one hundred and

14 USC 92 note.

seventy-nine exclusive of planes and parts stored to meet future attrition: *Provided further,* That none of these funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; to remain available until September 30, 1982, $286,011,000.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges; $7,650,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans; $198,500,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $41,255,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $22,000,000, to remain available until expended: *Provided,* That there may be credited to this appropriation, funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for research, development, testing and evaluation.

OFFSHORE OIL POLLUTION COMPENSATION FUND

For necessary expenses to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), such sums as may be necessary to be derived from the Offshore Oil Pollution Compensation Fund, to remain available until expended. In addition, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury, to meet the obligations of the Fund, notes or other obligations pursuant to section 302 of the Amendments in such amounts and at such times as may be necessary.

43 USC 1811.

POLLUTION FUND

For carrying out the provisions of subsections (c), (d), (i), and (l) of section 311 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1321, $10,000,000 to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act; purchase of five passenger motor vehicles for replacement only and purchase and repair of skis and snowshoes: $2,085,520,000, of which not to exceed $325,000,000 shall be derived from the Airport and Airway Trust Fund, for the purposes of subsection (e) of section 14 of the Airport and Airway Development Act of 1970, as amended, and subject to the conditions of that subsection and, in addition, not to exceed $5,000,000 from unobligated balances in the appropriations for "Civil supersonic aircraft development" and "Civil supersonic aircraft development termination" may be transferred to this account: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program.

49 USC 1701 note.

49 USC 1714.

FACILITIES, ENGINEERING AND DEVELOPMENT

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, for acquisition and modernization of facilities and equipment and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant and purchase of two aircraft for replacement only, $20,500,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for engineering and development.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for; for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; to be derived from the Airport and Airway Trust Fund, $293,000,000, of which $43,000,000 shall be derived by transfer from the appropriation "Facilities and Equipment (Airport and Airway Trust Fund), 1977," to remain available until September 30, 1984: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center, or to decommission in excess of five flight service stations.

RESEARCH, ENGINEERING AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering and development in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant; $75,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91-258, as amended, to be derived from the Airport and Airway Trust Fund and to remain available until expended, $610,000,000; and for airport planning grants, $10,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended. 49 USC 1714.

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of ten passenger motor vehicles for police or ambulance type use, for replacement only; and purchase of two motor bikes for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition; $25,465,000.

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $6,785,000, to remain available until September 30, 1982.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

SURFACE TRANSPORTATION

Energy and Safety

For necessary expenses in carrying out section 126(d) of the Federal-Aid Highway Act of 1978 (Public Law 95-599), $1,000,000 to be derived from the Highway Trust Fund and for necessary expenses in carrying out section 126(e) of such Act, $3,000,000 to be derived from the Highway Trust Fund; for necessary expenses in carrying out section 131(j) of title 23, U.S.C., $8,500,000; for necessary expenses to carry out the provisions of 23 U.S.C. 219, $20,000,000, to remain available until September 30, 1983; for necessary expenses in carrying out section 154 of title 23, U.S.C. (other than subsection (i)), $20,000,000 to be derived from the Highway Trust Fund: *Provided*, That none of these funds shall be subject to the obligational limitation set forth in section 304 of this Act; for necessary expenses for urban discretionary grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until September 30, 1983, $100,000,000: *Provided*, That none of these funds shall be available to retrofit any existing fixed rail transit system to comply with regulations issued pursuant to section 504 of the Rehabilitation Act of 1973; for necessary expenses for public transportation projects in areas other than urbanized areas as defined for the purposes of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $10,000,000, to remain available until expended; for necessary expenses for urban formula grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $15,000,000, to remain available until expended.

23 USC 146 note.

29 USC 794.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on General Operating Expenses

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed $188,600,000 shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $46,550,000 of the amount provided herein shall remain available until expended.

Motor Carrier Safety

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-40), $13,700,000, of which $3,800,000 of the amount appropriated herein shall remain available until expended and not to exceed $1,264,000 shall be available for "Limitation on general operating expenses".

49 USC 1651 note.

Highway Safety Research and Development

For necessary expenses in carrying out provisions of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $9,500,000.

HIGHWAY BEAUTIFICATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), $25,283,000, to remain available until expended.

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $26,500,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed $633,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

23 USC 130 note.
49 USC 1605 note.

For necessary expenses of railroad-highway crossings demonstration projects, as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, and title III of the National Mass Transportation Assistance Act of 1974, to remain available until expended, $20,000,000 of which $13,333,333 shall be derived from the Highway Trust Fund.

TERRITORIAL HIGHWAYS

For necessary expenses in carrying out the provisions of title 23, United States Code, sections 152, 153, 215, and 402, $6,600,000, to remain available until expended, together with $4,168,000 for payment of obligations, incurred in carrying out the provisions of title 23, United States Code, sections 215, 402, and 405, to remain available until expended.

OFF-SYSTEM ROADS (LIQUIDATION OF CONTRACT AUTHORIZATION)

23 USC 219.

For payment of obligations incurred in carrying out the provisions of section 122 of Public Law 93-643; $10,000,000, to remain available until expended.

SAFER OFF-SYSTEM ROADS

For necessary expenses to carry out the provisions of 23 U.S.C. 219; $35,000,000, to remain available until September 30, 1983.

NATIONAL SCENIC AND RECREATIONAL HIGHWAY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 148, $25,800,000 to remain available until expended, of which $19,800,000 shall be derived from the Highway Trust Fund.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

For necessary expenses not otherwise provided, to carry out the provisions of 23 U.S.C. 155, $9,650,000, to remain available until September 30, 1982.

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $6,800,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

HIGHWAYS CROSSING FEDERAL PROJECTS

For necessary expenses in carrying out the provisions of 23 U.S.C. 156, $14,000,000, to remain available until September 30, 1982.

BICYCLE PROGRAM

For necessary expenses in carrying out the provisions of section 141 of Public Law 95-599, $4,000,000, of which $2,000,000 shall be derived from the Highway Trust Fund. 23 USC 217 note.

ALASKA HIGHWAY

For necessary expenses to carry out the provisions of section 218 of title 23, United States Code, $2,500,000, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), $83,228,000, of which $25,913,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed $36,889,000 shall remain available until expended, of which $9,139,500 shall be derived from the Highway Trust Fund. 15 USC 1901 note.

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402 and 406, to remain available until expended, $171,000,000 to be derived from the Highway Trust Fund, and for necessary expenses in carrying out the provisions of 23 U.S.C. 402 and 406, $2,297,000, to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $7,523,000.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $28,000,000, of which $9,100,000 shall remain available until expended.

Railroad Research and Development

For necessary expenses for railroad research and development, $54,750,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for engineering, testing and development.

Rail Service Assistance

49 USC 1654.

49 USC 1654 note.

For necessary expenses for rail service assistance authorized by section 5 of the Department of Transportation Act, as amended, and for necessary administrative expenses in connection with Federal rail assistance programs not otherwise provided for, $87,798,000, together with $9,400,000 for the Minority Business Resource Center, as authorized by title IX of Public Law 94-210, to remain available until expended.

Northeast Corridor Improvement Program

45 USC 851.
23 USC 101 note.
45 USC 851 note.
50 USC 1431.

For necessary expenses related to Northeast Corridor improvements authorized by title VII of Public Law 94-210, as amended, and title I of Public Law 95-599, $381,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provisions of law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program: *Provided further*, That, the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if he determines such action would serve a public purpose.

Grants to the National Railroad Passenger Corporation

45 USC 851.

45 USC 563.

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $873,400,000, to remain available until expended, of which not more than $630,400,000 shall be available for operating losses incurred by the Corporation, including payment of additional operating expenses of the Corporation, resulting from the operation, maintenance, and ownership or control of the Northeast Corridor pursuant to title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, not more than $20,000,000 shall be available for the payment of capital and operating expenses resulting from services provided pursuant to section 403(b) of the Rail Passenger Service Act, as amended, not more than $211,000,000 shall be available for capital improvements, and for labor protection costs pursuant to 45 U.S.C. 565, of which not to exceed $12,000,000 shall be used for capital improvements in connection with the Indianapolis-Chicago service, and not more than $12,000,000 shall be available only for the fiscal year 1980 purchase payments for the Northeast Corridor: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the President of the National Railroad Passenger Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

Alaska Railroad Revolving Fund

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passenger, or mail, when deemed necessary for the benefit and development of industries or travel in the area served and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16. 63 Stat. 954. 5 USC 5332 note.

PAYMENTS TO THE ALASKA RAILROAD REVOLVING FUND

For payment to the Alaska Railroad Revolving Fund for capital replacements, improvements, operations, and maintenance, $6,500,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is hereby authorized to expend proceeds from the sale of Fund anticipation notes to the Secretary of the Treasury and any other monies deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507 and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended and section 803 of Public Law 95-620, for the uses authorized for the Fund, in amounts not to exceed $100,000,000. The Secretary of Transportation is also authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such time as may be necessary to pay any amounts required pursuant to the guarantee not to exceed $600,000,000 principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That the aggregate principal amount of guarantees and commitments to guarantee obligations under section 511 of Public Law 94-210, as amended, shall not exceed $600,000,000. 45 USC 822, 825-827, 829. 92 Stat. 3347. 45 USC 832. 45 USC 831-833.

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN MASS TRANSPORTATION FUND

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. 1601 et seq.); 23 U.S.C., chapter 1, in connection with the activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109; $19,260,000. 23 USC 101 *et seq.*

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For necessary expenses for research and training, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; $69,300,000: *Provided*, That $66,800,000 shall be available for research, development, and demonstrations, $2,000,000 shall be available for university research and training and not to exceed $500,000 shall be available for managerial training as authorized under the authority of said Act.

URBAN DISCRETIONARY GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for urban discretionary grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) to remain available until September 30, 1983; $1,280,000,000, of which $9,925,000 shall be derived by transfer from the Urban Mass Transportation Fund: *Provided*, That none of these funds shall be available to retrofit any existing fixed rail transit system to comply with regulations issued pursuant to section 504 of the Rehabilitation Act of 1973: *Provided further*, That grants awarded for contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance, shall only be awarded based on consideration of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluations. 29 USC 794.

RURAL AND SMALL URBAN GRANTS

For necessary expenses for public transportation projects in areas other than urbanized areas as defined for the purposes of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $75,000,000, to remain available until expended.

URBAN FORMULA GRANTS

For necessary expenses for urban formula grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $615,000,000, to remain available until expended: *Provided*, That grants awarded for contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance, shall only be awarded based on consideration of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluation.

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment to the urban mass transportation fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) and 23 U.S.C. 142(c) and of obligations incurred for projects substituted for Interstate System segments withdrawn prior to enactment of the Federal-Aid Highway Act of 1976; $1,500,000,000, to remain available until expended: *Provided*, That none of these funds shall be made available for the establishment of depreciation reserves or reserves for replacement accounts: *Provided further*, That amounts for highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration.

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

For necessary expenses for a waterborne transportation demonstration project as authorized by section 320 of the Surface Transportation Assistance Act of 1978 (Public Law 95-599); $10,000,000, to remain available until September 30, 1981.

49 USC 1605 note.

INTERSTATE TRANSFER GRANTS

(INCLUDING RESCISSION)

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) for fiscal year 1980, $700,000,000, to remain available until expended: *Provided*, That amounts for highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration: *Provided further*, That $713,100,000 of contract authority made available or authorized for Interstate transfer grants is hereby rescinded.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the Corporation except as hereinafter provided.

31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $1,372,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and $15,000 for services as authorized by 5 U.S.C. 3109.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $25,846,000, of which not to exceed $11,040,000 shall remain available until expended for expenses for conducting research and development and not to exceed $2,820,000 shall remain available until expended for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674).

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Inspector General, $700,000 together with $11,493,000 to be derived by transfer from "Salaries and Expenses", Office of the Secretary, $3,868,000, "Operations", Federal Aviation Administration, $3,225,000, "Operations and Research", National Highway Traffic Safety Administration, $630,000, of which $430,000 shall be derived from the Highway Trust Fund, "Rail Service Assistance", Federal Railroad Administration, $1,619,000, "Administrative Expenses", Urban Mass Transportation Administration, $2,086,000, and "Research and Special Programs", Research and Special Programs Administration, $65,000, together with $6,960,000 derived from funds available under 23 U.S.C. 104(a) for payment of obligations.

TITLE II

RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

Salaries and Expenses

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $16,782,500, of which not to exceed $300 shall be used for official reception and representation expenses.

5 USC 5332 note.

CIVIL AERONAUTICS BOARD

Salaries and Expenses

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and not to exceed $5,000 for official reception and representation expenses, $28,287,000.

Payments to Air Carriers

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 and section 419 of the Federal Aviation Act of 1958, as amended, and the Airline Deregulation Act of 1978, as is payable by the Board, $76,100,000, to remain available until expended.

49 USC 1376.
92 Stat. 1732.
49 USC 1389.
49 USC 1301 note.

INTERSTATE COMMERCE COMMISSION

Salaries and Expenses

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, $76,699,000: *Provided,* That Joint Board members and cooperating state commissioners may use Government transportation requests when traveling in connection with their official duties as such.

49 USC 10344 note.

Payments for Directed Rail Service

For payments for rail service to railroads directed to provide emergency rail service over the properties of other carriers in accordance with 49 U.S.C. 11125, $76,000,000 to remain available until expended: *Provided,* That not to exceed $900,000 of this appro-

92 Stat. 1423.

priation shall be available for necessary independent auditing expenses incurred in the administration of the directed rail service program: *Provided further,* That none of the funds provided under this Act shall be available for the execution of programs the obligations for which can reasonably be expected to be in excess of $80,000,000 for directed rail service under 49 U.S.C. 11125. 92 Stat. 1423.

PANAMA CANAL COMMISSION

Operating Expenses

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); official reception and representation expense; operation of guide services; residence for the administrator, contingencies of the administrator, and to employ services as authorized by law (5 U.S.C. 3109); maintaining and altering facilities of other United States Government agencies in the Republic of Panama and facilities of the Government of the Republic of Panama for Panama Canal Commission use; and for payment of liabilities of the Panama Canal Company and Canal Zone Government that were pending on September 30, 1979, or that may accrue thereafter, including accounts payable for capital projects, $427,262,000. There may be credited to this appropriation, funds received from the Panama Canal Commission's capital outlay account for expenses incurred for supplies and services provided for capital projects and funds received from officers and employees of the Commission and/or commercial insurors of Commission employees for payment to other United States Government agencies for expenditures made for services provided to Commission employees and their dependents by such other agencies.

Capital Outlay

For acquisition, construction, and replacement of improvements, facilities, structures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed forty-eight passenger motor vehicles of which twenty-eight are for replacement only; to employ services authorized by law (5 U.S.C. 3109) for payment of liabilities of the Panama Canal Company and Canal Zone Government that were pending on September 30, 1979, or that may accrue thereafter; to improve facilities of other United States Government agencies in the Republic of Panama and facilities of the Government of the Republic of Panama for Panama Canal Commission use, $36,625,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

Office of the Secretary

Investment in Fund Anticipation Notes

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, $100,000,000.

92 Stat. 3066.
45 USC 829.
92 Stat. 3347.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, $23,900,000, of which not to exceed $4,000 shall be available for official reception and representation expenses.

45 USC 701 note.

PAYMENTS FOR PURCHASE OF CONRAIL SECURITIES

For acquisition of series A preferred stock issued by the Consolidated Rail Corporation, to remain available until expended, $550,000,000: *Provided*, That none of these funds may be made available to Conrail or any of its subsidiaries for losses resulting, entirely or in part, from any employee protection payments identical or similar to those previously authorized by title V of the Regional Rail Reorganization Act of 1973 to be paid by Conrail to current Conrail employees: *Provided further*, That this limitation shall not apply to those payments to employees who have been deprived of employment or whose employment has been materially diminished: *Provided further*, That the effective date of this provision is March 1, 1980.

45 USC 771 *et seq.*

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Interest payments", to remain available until expended; $65,774,000: *Provided*, That these funds may be disbursed pursuant to terms and conditions that the Secretary of Transportation may establish.

NATIONAL ALCOHOL FUELS COMMISSION

SALARIES AND EXPENSES

For necessary administrative expenses of the National Alcohol Fuels Commission, $1,500,000, to remain available until expended.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses to enable the National Transportation Policy Study Commission to carry out its functions under section 154 of the Federal-Aid Highway Act of 1976, $66,157, to remain available until expended.

23 USC 101 note.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. None of the funds provided in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $640,000,000 in fiscal year 1980 for "Grants-in-aid for airports" under 49 U.S.C. 1714 (a) and (b), of which $30,000,000 shall be added to the discretionary fund available for distribution pursuant to 49 U.S.C. 1715(a)(3)(B) and (a)(4)(C).

Highway-related safety grants.

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $28,000,000 in fiscal year 1980 for "Highway-related safety grants".

State and Community Highway Safety.

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $175,000,000 in fiscal year 1980 for "State and Community Highway Safety".

Panama Canal Commission, pay increases for officers or employees.

SEC. 305. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

Everglades National Park, Fla., ecology study.

SEC. 306. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided,* That nothing in this section shall affect the availability of such funds to carry out this study.

FAA personnel, dependents' school expenses.
20 USC 241 note.

SEC. 307. Funds appropriated under this Act for expenditure by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 308. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

5 USC 5332 note.

Mass transit fares for elderly and handicapped.
49 USC 1601 note.
49 USC 1604.

SEC. 309. None of the funds provided in this Act for liquidation of contractual obligations under the Urban Mass Transportation Act of 1964, as amended, shall be made available for liquidation of obligations entered into under section 5 of that Act to support mass transit facilities, equipment, or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and forms as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall (1) permit applicants to continue the use of preferential fare systems for elderly or handicapped persons where those systems were in effect on or prior to November 26, 1974, (2) allow applicants a reasonable time to expand the coverage of operating preferential fare systems as appropriate, and (3) allow applicants to define the eligibility of "handicapped persons" for the purposes of preferential fares in conformity with other Federal laws and regulations governing eligibility for benefits for disabled persons.

Fiscal year limitation.

SEC. 310. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Federal-aid Highways.

West Seattle bridge, Wash.

42 USC 4321 note.

SEC. 311. None of the funds provided under or included in this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $8,750,000,000 for "Federal-Aid Highways" in fiscal year 1980: *Provided*, That this limitation shall not apply to obligations for emergency relief authorized by 23 U.S.C. 125: *Provided further*, for replacement of the West Seattle bridge in the State of Washington, $50,000,000 to be made available from obligations authorized by 23 U.S.C. 125 on August 4, 1978: *Provided further*, That this limitation shall not become effective if subsequent legislation containing an obligation limitation on "Federal-Aid Highways" for fiscal year 1980 is enacted into law by September 30, 1979: *Provided further*, That notwithstanding any other provisions of law, the Secretary of Transportation shall, not later than sixty days after date of enactment of this Act, designate as a route on the National System of Interstate and Defense Highways six miles extending I-164 southward to South Lane Drive to tie into U.S. 41 South: *Provided further*, For not more than 90 per centum of the necessary expenses of the functional replacement of publicly-owned facilities located within the proposed right-of-way of Interstate Route 170 in Baltimore, Maryland, $2,000,000 out of the Highway Trust Fund, to remain available until expended: *Provided*, That the Secretary of Transportation is authorized and directed to proceed with the obligation of the necessary funds for such publicly-owned facilities without regard to the provisions of the National Environmental Policy Act of 1969, as amended: *Provided further*, That actual construction of a highway on the right-of-way with respect to which said funds are expended shall be commenced within a period not exceeding ten years following the date of enactment of this Act or said funds shall be repaid to the Highway Trust Fund with interest.

Great River Road.

Waiver.

SEC. 312. Obligations for the Great River Road shall include preliminary engineering and the planning or execution of projects for the acquisition of areas of archeological, scientific, or historical importance and of necessary easements for scenic purposes, the construction or reconstruction of roadside rest areas, bicycle trails, and scenic viewing areas, the reconstruction and rehabilitation of existing road segments, and the construction of new route segments. No such funds, however, shall be used for constructing new segments until 60 per centum of the Great River Road in each State is completed: *Provided*, That such completion may be waived if the Administrator determines that circumstances in such State prevent such completion: *Provided further*, None of the funds provided under this Act shall be available for the planning or execution of programs for the Great River Road, the obligations for which are in excess of $39,500,000 in fiscal year 1980.

SEC. 313. Appropriations under the heading "Facilities and Equipment (Airport and Airway Trust Fund)" in the Department of Transportation and Related Agencies Appropriations Acts, and supplemental appropriations Acts, 1978 and 1979, shall be available through fiscal years 1982 and 1983 respectively.

91 Stat. 402.
92 Stat. 435.

SEC. 314. None of the funds in this Act shall be available for the administrative expenses of making a new loan guarantee during fiscal year 1980 for any aircraft purchase loan, pursuant to the Act of September 7, 1957 (71 Stat. 629), as amended, which causes the aggregate of all such guarantees made during fiscal year 1980 to exceed $650,000,000 in principal amount: *Provided*, That the funds in this Act shall be available for the guarantee of loans for the refinancing of aircraft purchased after January 20, 1979, if an application for an aircraft purchase loan guarantee covering such aircraft was filed prior to that date but after October 24, 1978, and if such application meets the requirements of section 42(d) of the Airline Deregulation Act of 1978.

Funds limitations.
Loan guarantee for aircraft purchase loans.
49 USC 1324 note.

92 Stat. 1749.

SEC. 315. None of the funds provided under this Act shall be available for constructing an extension of the Dulles airport access highway prior to an agreement with the Commonwealth of Virginia under which that Commonwealth assumes responsibility for maintenance and operation of such extension.

49 USC 1324 note.
Dulles airport access highway extension.

SEC. 316. None of the funds provided in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1980 for the "Offshore Oil Pollution Compensation Fund."

Offshore Oil Pollution Compensation Fund.

SEC. 317. (a) None of the funds provided in this Act may be used to implement or enforce any standard or regulation which requires any motor vehicle to be equipped with an occupant restraint system (other than a belt system).

(b) Nothing in this section shall be construed to prohibit the use of funds provided in this Act for any research and development activity relating to occupant restraint systems.

Occupant restraint systems, research and development.

SEC. 318. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

Panama Canal Commission.

SEC. 319. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under sections 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

(1) School Street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

Rail-highway crossings, planning, or construction.
45 USC 851, 853.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1980."

Short title.

Approved November 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-272 (Comm. on Appropriations) and No. 96-610 (Comm. of Conference).
SENATE REPORT No. 96-377 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 23, Sept. 18, considered and passed House.
Nov. 1, considered and passed Senate, amended.
Nov. 15, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
Nov. 19, Senate agreed to conference report and concurred in House amendments.

Public Law 96-132
96th Congress

An Act

Nov. 30, 1979
[S. 1157]

To authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1980, and for other purposes.

Department of Justice Appropriation Authorization Act, Fiscal Year 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Justice Appropriation Authorization Act, Fiscal Year 1980".

SEC. 2. There are authorized to be appropriated for the fiscal year ending September 30, 1980, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following amounts:

General administration.

(1) For General Administration, including—

(A) hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration; and

(C) for the management analysis under section 10 of this Act and for the preparation of the plan for case management information and tracking systems under section 11 of this Act:

$28,168,000.

United States Parole Commission.

(2) For the United States Parole Commission, including the hire of passenger motor vehicles: $5,555,000.

General legal activities.

(3) For General Legal Activities, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate;

(D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529);

(E) pay for necessary accommodations in the District of Columbia for conferences and training activities;

Alien Property Funds, World War II.

(F) not to exceed $105,000 which may be transferred from the "Alien Property Funds, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia; and

(G) not to exceed $3,000,000, of which $2,300,000 shall be made available, for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals:

$111,748,000.

Antitrust Division.

(4) For the Antitrust Division, consumer protection and kindred laws, including not to exceed $4,000,000, to remain available until expended, for antitrust enforcement grants to the States

under section 309 of the Omnibus Crime Control and Safe Streets Act of 1968, as such Act existed on September 30, 1979: $48,592,000.

42 USC 3739.

United States attorneys, marshals, and trustees.

(5) For United States Attorneys, Marshals, and Trustees, including—

(A) purchase of firearms and ammunition;

(B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(C) supervision of United States prisoners in non-Federal institutions;

(D) bringing to the United States from foreign countries persons charged with crime; and

(E) acquisition, lease, maintenance, and operation of aircraft:

$242,573,000.

United States prisoners, support in non-Federal institutions.

(6) For Support of United States Prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a): $25,100,000.

Witnesses, fees and expenses.

(7) For Fees and Expenses of Witnesses, including expenses, mileage, compensation, and per diems of witnesses in lieu of subsistence, as authorized by law; including advances of public moneys: $27,052,000, but no sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

Community Relations Service.

(8) For the Community Relations Service: $5,428,000.

Federal Bureau of Investigation.

(9) For the Federal Bureau of Investigation for—

(A) expenses necessary for the detection and prosecution of crimes against the United States;

(B) protection of the person of the President of the United States and the person of the Attorney General;

(C) acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;

(D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;

(E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(F) acquisition, lease, maintenance, and operation of aircraft; firearms and ammunition; payment of rewards;

(G) benefits in accordance with those provided under sections 911 (9) through (11), 942, and 945 of the Foreign Service Act of 1946 (22 U.S.C. 1136 (9) through (11), 1157, and 1160), under regulations prescribed by the Secretary of State; and

(H) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on his certificate:

$584,408,000. None of the sums authorized to be appropriated by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service. Using sums authorized to be appropriated by this Act, the Federal Bureau of Investigation shall classify the offense of arson as a part I crime in its Uniform Crime Reports.

Arson, classification.

Immigration and Naturalization Service.

(10) For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including—

(A) advance of cash to aliens for meals and lodging while en route;

(B) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;

(C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;

(D) payment of rewards;

(E) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate;

(F) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(G) acquisition, lease, maintenance, and operation of aircraft;

(H) firearms and ammunition and attendance at firearms matches;

(I) operation, maintenance, remodeling and repair of buildings, and the purchase of equipment incident thereto;

(J) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

(K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens;

(L) acquisition of land as sites for enforcement fences, and construction incident to such fences;

(M) benefits in accordance with those provided under sections 911 (9) through (11), 942, and 945 of the Foreign Service Act of 1946 (22 U.S.C. 1136 (9) through (11), 1157, and 1160) under regulations prescribed by the Secretary of State; and

(N) research related to immigration enforcement which shall remain available until expended:

$319,386,000, of which not to exceed $50,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General.

Drug Enforcement Administration.

(11) For the Drug Enforcement Administration for its activities, including—

(A) hiring and acquiring law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(B) paying in advance for special tests and studies by contract;

(C) paying in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));

(D) paying expenses not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate;

(E) paying rewards;

(F) paying for publication of technical and informational material in professional and trade journals; purchase chemicals, apparatus, and scientific equipment;

(G) paying for necessary accommodations in the District of Columbia for conferences and training activities;

(H) acquiring, leasing, maintaining, and operating aircraft;

(I) research related to enforcement and drug control to remain available until expended;

(J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(K) benefits in accordance with those provided under sections 911 (9) through (11), 942, and 945 of the Foreign Service Act of 1946 (22 U.S.C. 1136 (9) through (11), 1157, and 1160), under regulations prescribed by the Secretary of State; and

(L) paying for firearms and ammunition and attendance at firearms matches:

$198,336,000, including such sums as are authorized by section 709(a) of the Controlled Substances Act (21 U.S.C. 904(a)), for the fiscal year ending September 30, 1980.

Federal Prison System.

(12) For the Federal Prison System: $349,789,770, including the following:

(A)(i) For the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed $28,168,770 for inmate medical services within the system, and not to exceed $100,000 for inmate legal services within the system;

(ii) purchase and hire of law enforcement and passenger motor vehicles;

(iii) compilation of statistics relating to prisoners in Federal penal and correctional institutions;

(iv) assistance to State and local governments to improve their correctional systems;

(v) purchase of firearms and ammunition; medals and other awards;

(vi) payment of rewards;

(vii) purchase and exchange of farm products and livestock;

(viii) construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18 of the United States Code; and

42 USC 250a.

(ix) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the

Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

Federal Prison Industries, Inc.

(B) For Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Control Corporation Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles.

31 USC 849.

(C) For planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this clause.

(D) For carrying out the provisions of sections 4351 through 4353 of title 18 of the United States Code, which establishes a National Institute of Corrections, to remain available until expended.

National Institute of Corrections.

SEC. 3. (a) None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

(b) The Department of Justice shall not be required to absorb from sums appropriated pursuant to the authorization provided in this Act, other than sums appropriated pursuant to section 4(f) of this Act, any increases in salary, pay, retirement, and other employee benefits authorized by law, or other nondiscretionary costs.

Message-switching.

(c) None of the sums authorized to be appropriated in this Act may be used for the purposes of engaging in the activity of message-switching until such time as the Committees on the Judiciary of the House of Representatives and Senate have each given their approval. For the purposes of this subsection, the term "message-switching" means the use of electronic equipment to receive a message, store that message until an outgoing line is available, and then retransmit the message without any direct connection between the line on which the message was received and the line on which the message is retransmitted.

Definition.

SEC. 4. (a) Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

(b) Sums authorized to be appropriated by this Act may be used for the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries.

(c) Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5 of the United States Code.

(d) Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed $31,000, for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

(e) Sums authorized to be appropriated by this Act may be used for—

(1) expenses of primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and

(2) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

(f) There are authorized to be appropriated for the fiscal year ending September 30, 1980, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

(g) Sums authorized to be appropriated for "Salaries and expenses, General Administration", "Salaries and expenses, United States Attorneys, and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons" may be used for uniforms and allowances as authorized by sections 5901 and 5902 of title 5 of the United States Code.

(h) The first sentence of section 5924(4)(B) of title 5 of the United States Code is amended by inserting "the Department of Justice," after "the International Communication Agency,".

SEC. 5. Section 5315(19) of title 5 of the United States Code is amended by striking out "Assistant Attorneys General (9)" and inserting in lieu thereof "Assistant Attorneys General (10)".

SEC. 6. Notwithstanding the second of the paragraphs relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than, the end of the fiscal year ending September 30, 1980.

Undercover operation.

SEC. 7. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 665(a)), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 529), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an under-

cover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 869);

(3) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 521); and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484);

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Associate Director) and the Attorney General (or, if designated by the Attorney General, the Deputy Attorney General) that any action authorized by paragraph (1), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

28 USC 533 note.

(d)(1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1979, and—

(A) report the results of each audit in writing to the Department of Justice, and

(B) report annually to the Congress concerning these audits.

"Undercover operation."

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation—

(A) in which the gross receipts exceed $50,000, and

(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)).

Sec. 8. During the fiscal year for which appropriations are authorized by this Act, each organization of the Department of Justice, through the appropriate office within the Department of Justice, shall notify in writing the Committees on the Judiciary, of the House of Representatives and the Senate, and other appropriate committees, and the ranking Minority members thereof, a minimum of 15 days before—

(1) reprograming of funds in excess of $250,000 or 10 percent, whichever is less, between the programs within the offices, divisions, and boards as defined in the Department of Justice's

best copy available

program structure submitted to the Committees on the Judiciary of the Senate and House of Representatives;

(2) reprograming of funds in excess of $500,000 or 10 percent, whichever is less, between programs within the Bureaus as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and House of Representatives;

(3) any reprograming action which involves less than the amounts specified in paragraphs (1) and (2) if such action would have the effect of significant program changes and committing substantive program funding requirements in future years;

(4) increasing personnel or funds by any means for any project or program for which funds or other resources have been restricted;

(5) creation of new programs or significant augmentation of existing programs;

(6) reorganization of offices or programs; and

(7) significant relocation of offices or employees.

SEC. 9. (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organization's programs, as determined by priorities set either by the Congress or the Attorney General.

(b) Subordinate Department of Justice organizations and their officials shall provide all necessary assistance and cooperation in the conduct of the evaluation, including full access to all information, documentation, and cognizant personnel, as required.

(c) Completed evaluations shall be made available to the Committees on the Judiciary of the Senate and House of Representatives, and other appropriate committees.

(d) If the Committee on the Judiciary of either the Senate or the House of Representatives requests the Attorney General to perform an evaluation of the kind described in subsection (a) of this section, the Attorney General shall submit to the committee making the request, not later than 30 days after the date the request is made, a design and timetable for making the requested evaluation. If the projected time period for completing the evaluation exceeds 6 months, the Attorney General shall, during the course of the evaluation, submit intermittent reports on the progress of the evaluation to the committee making the request.

Immigration and Naturalization Service, management analysis
8 USC 1551 note.
Report to congressional committees.

SEC. 10. The Attorney General shall make arrangements with an appropriate entity for an independent comprehensive management analysis of the operations of the Immigration and Naturalization Service for the purpose of making such operations efficient and cost effective. After the completion of such analysis, the Attorney General shall promptly submit a report to the appropriate committees of Congress on the results of such analysis together with any administrative or legislative recommendations of the Attorney General to improve the operations of the Service.

Plan, submittal to congressional committees.
28 USC 519 note.

SEC. 11. (a) Not later than April 15, 1980, the Attorney General, after consultation with the Director of the Executive Office of United States Attorneys and such Assistant Attorneys General as he shall deem appropriate, shall prepare and submit to the Committees on the Judiciary of the Senate and House of Representatives a plan for the activation and coordination, within the Department, of compatible, comprehensive case management information and tracking systems for each of the judicial districts of the United States, as described in chapter 5 of title 28 of the United States Code and for each of the divisions of the Department.

(b) Such plan shall—

(1) incorporate into the design of such systems all matters and cases involving the United States Attorneys and, where relevant, other departmental resources;

(2) make provision for identifying and retrieving all relevant data, including—

(A) complete individual case information from intake or commencement of investigation to final disposition, including identification of the division or office primarily responsible for the case;

(B) complete information on decisions not to prosecute or litigate alleged violations of the laws of the United States, the stage of the proceedings at which such decisions are made, and the reasons for such decisions; and

(C) identification of the local, State, or Federal governmental organization, including any organization within the Department of Justice, referring each case for prosecution or litigation;

(3) take into account the importance of identifying investigations, prosecutions, and litigation in areas which the Attorney General may from time to time designate as high priority;

(4) consider the application of a case weighting system for evaluating prosecutorial and litigation decisions, dedication of resources, and case management and disposition by all departmental personnel involved;

(5) emphasize as a goal maximum data retrieval and utilization; and

(6) include a timetable for implementation of the plan and the costs for implementation.

28 USC 509 note.

SEC. 12. The Attorney General may, with the concurrence of any agency or Department with primary enforcement responsibility for an environmental or natural resource law, investigate any violation, of an environmental or natural resource law of the United States, and bring such actions as are necessary to enforce such laws. This section does not affect the criminal law enforcement authority of the Attorney General.

SEC. 13. Section 709 of the Controlled Substances Act (21 U.S.C. 904(b)) is amended by adding after subsection (b) the following new subsection:

"(c) Notwithstanding section 2680(k) of title 28, United States Code, the Attorney General, in carrying out the functions of the Department of Justice under this title, is authorized to pay tort claims in the manner authorized by section 2672 of title 28, United States Code, when such claims arise in a foreign country in connection with the operations of the Drug Enforcement Administration abroad.".

SEC. 14. Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) is amended by—

(1) striking out "All provisions" and inserting in lieu thereof "The provisions", and

(2) striking out "and the award of compensation to informers in respect of such forfeitures".

SEC. 15. Section 709(a) of the Controlled Substances Act (21 U.S.C. 904) is amended—

(1) by striking out "and" after "1978,", and

(2) by inserting after "1979," the following: "and $198,336,000 for the fiscal year ending September 30, 1980,".

SEC. 16. (a) Paragraph (4) of section 102 of the Controlled Substances Act (21 U.S.C. 802(4)) is amended to read as follows:

"Drug Enforcement Administration."

"(4) The term 'Drug Enforcement Administration' means the Drug Enforcement Administration in the Department of Justice.".

(b) Sections 508 and 516 of such Act (21 U.S.C. 878, 886) are each amended by striking out "Bureau of Narcotics and Dangerous Drugs" each place it occurs and inserting in lieu thereof "Drug Enforcement Administration".

(c) Section 513 of such Act (21 U.S.C. 883) is amended—

(1) by striking out "Director of the Bureau of Narcotics and Dangerous Drugs" and inserting in lieu thereof "Administrator of the Drug Enforcement Administration"; and

(2) by striking out "Director may" and inserting in lieu thereof "Administrator may".

SEC. 17. (a) In addition to any other sums appropriated by this Act, there are authorized to be appropriated $5,000,000, to remain available until expended, for financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all support activities related thereto.

Regulations.

(b) The Attorney General shall, in accordance with section 553 of title 5 of the United States Code promulgate regulations establishing criteria under which such cooperative enforcement agencies may qualify for financial assistance under this section.

Plan, submittal to Congress.

SEC. 18. (a) On or before September 1, 1980, the Attorney General shall submit to Congress—

(1) a plan to assure the closure of the United States Penitentiary at Atlanta, Georgia, by September 1, 1984; and

(2) a plan to alter the function of the United States Penitentiary at Leavenworth, Kansas, to that of a modern correctional institution by September 1, 1985.

(b) The plan prepared under this section shall prohibit the use of the United States Penitentiary at Atlanta, Georgia, as a correctional institution by a State or political subdivision after the closure of the institution by the Federal Government.

SEC. 19. In addition to any other sums that are authorized to be appropriated by this Act, there are authorized to be appropriated $2,600,000, for planning and site acquisition of a Federal detention facility in Los Angeles County, California.

42 USC 3793 note.

SEC. 20. (a) The National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to use funds, and to authorize States to use funds, for programs, projects or events devoted to the international aspects of crime prevention and criminal justice.

(b) Notwithstanding any other provision of law, the State of California is authorized to utilize the proceeds of block grants awarded during fiscal year 1979 or fiscal years previous thereto to fund the 1980 Congress on the Prevention of Crime and Treatment of Offenders.

Report to Congress.
28 USC 519 note.

SEC. 21. (a) The Attorney General shall, during the fiscal year for which appropriations are authorized by this Act, transmit a report to each House of the Congress in any case in which the Attorney General—

(1) establishes a policy to refrain from the enforcement of any provision of law enacted by the Congress, the enforcement of which is the responsibility of the Department of Justice, because of the position of the Department of Justice that such provision of law is not constitutional; or

(2) determines that the Department of Justice will contest, or will refrain from defending, any provision of law enacted by the Congress in any proceeding before any court of the United States, or in any administrative or other proceeding, because of the position of the Department of Justice that such provision of law is not constitutional.

(b) Any report required in subsection (a) shall be transmitted not later than 30 days after the Attorney General establishes the policy specified in subsection (a)(1) or makes the determination specified in subsection (a)(2). Each such report shall—

(1) specify the provision of law involved;

(2) include a detailed statement of the reasons for the position of the Department of Justice that such provision of law is not constitutional; and

(3) in the case of a determination specified in subsection (a)(2), indicate the nature of the judicial, administrative, or other proceeding involved.

(c) If, during the fiscal year for which appropriations are authorized by this Act, the Attorney General determines that the Department of Justice will contest, or will refrain from defending, any provision of law enacted by the Congress in any proceeding before any court of the United States, or in any administrative or other proceeding, because of the position of the Department of Justice that such provision of law is not constitutional, then the representative of the Department of Justice participating in such proceeding shall make a declaration in such proceeding that such position of the Department of Justice regarding the constitutionality of the provision of law involved constitutes the position of the executive branch of the United States with respect to such matter.

Office of Special Investigator, Immigration and Naturalization Service, creation.
8 USC 1551 note.

SEC. 22. (a) In order to create an independent and objective unit—

(1) to conduct and supervise audits and investigations relating to programs and operations of the Immigration and Naturalization Service,

(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations, and

(3) to provide a means for keeping the Commissioner of the Immigration and Naturalization Service and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action,

there is hereby established in the Immigration and Naturalization Service of the Department of Justice an Office of Special Investigator (hereinafter in this section referred to as "the Office").

(b)(1) There shall be at the head of the Office a Special Investigator (hereinafter in this section referred to as "the Special Investigator") who shall be appointed by the Attorney General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Special Investigator shall report to and be under the general supervision of the Commissioner, who shall not prevent or prohibit the Special Investigator from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.

(2) The Special Investigator may be removed from office by the Attorney General. The Attorney General shall communicate the reasons for any such removal to both Houses of Congress.

(3) For the purposes of section 7324 of title 5 of the United States Code, the Special Investigator shall not be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(4) The Special Investigator shall, in accordance with applicable laws and regulations governing the civil service—

(A) appoint an Assistant Special Investigator for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the Service, and

(B) appoint an Assistant Special Investigator for Investigations who shall have the responsibility for the performance of investigative activities relating to such programs and operations.

(c) The following provisions of the Inspector General Act of 1978 (Public Law 95-452) shall apply to the Special Investigator, the Office, the Commissioner, and the Service under this section in the same manner as those provisions apply to an Inspector General, an Office, the head of the establishment, and an establishment under such Act:

92 Stat. 1101.
5 USC app.

(1) Section 4 (relating to duties and responsibilities of an Inspector General and the manner in which they are carried out).

92 Stat. 1102.
5 USC app.

(2) Section 5 (relating to reports required to be prepared and furnished by or to an Inspector General and their transmittal and availability).

92 Stat. 1103.
5 USC app.

(3) Section 6 (relating to the authority of an Inspector General and related administrative provisions).

92 Stat. 1104.
5 USC app.

(4) Section 7 (relating to the treatment of employee complaints by an Inspector General).

92 Stat. 1105.
5 USC app.

(d) The Attorney General is authorized to appoint such staff as may be necessary to carry out this section.

Definitions.

(e) For purposes of this section—

(1) the term "Service" means the Immigration and Naturalization Service;

(2) the term "Department" means the Department of Justice; and

(3) the term "Commissioner" means the Commissioner of Immigration and Naturalization.

(f) The Special Investigator shall be compensated at the rate then payable under section 5316 of title 5 of the United States Code for level V of the Executive Schedule.

(g) The provisions of this section shall take effect on the date of the enactment of this Act and shall cease to have effect the earlier of—

(1) 3 years after the date of the enactment of this Act; and

(2) the establishment of an office of inspector general for the Department of Justice.

(h) In addition to any other sums authorized to be appropriated by this Act, there are authorized to be appropriated $376,000 for the fiscal year ending September 30, 1980 to carry out this section.

SEC. 23. Section 4 of the Act entitled "An Act to amend section 201 (a), 202(c) and 203(a) of the Immigration and Nationality Act, as amended, and to establish a Select Commission on Immigration and Refugee Policy", approved October 5, 1978 (92 Stat. 907; 8 U.S.C. 1151 note), is amended—

92 Stat. 907.

(1) in subsection (b)(2), by striking out "receive the sum of $100" and inserting in lieu thereof "be compensated at a rate not to exceed the daily equivalent of the rate then payable for grade

GS-18 in the General Schedule under section 5332 of title 5, United States Code,";

92 Stat. 908. (2) in subsection (d)(7), by striking out "September 30, 1980" and inserting in lieu thereof "March 1, 1981";

92 Stat. 908. (3) in subsection (e)(1), by inserting after "detailed to the Commission" the following: "without reimbursement";

92 Stat. 909. (4) in subsection (i), by striking out "$700,000" and inserting in lieu thereof "$2,450,000, to remain available until expended,"; and

92 Stat. 909. (5) by amending subsection (j) to read as follows:

"(j) The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate then payable for grade GS-18 in the General Schedule under section 5332 of such title.".

Approved November 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-99, Pt. 1 (Comm. on the Judiciary), Pt. 2 (Comm. on Intelligence), and Pt. 3 (Comm. on Interstate and Foreign Commerce), all accompanying H.R. 3303, and No. 96-628 (Comm. of Conference).

SENATE REPORTS: No. 96-173 (Comm. on the Judiciary) and No. 96-418 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

June 4, considered and passed Senate.

Oct. 16, H.R. 3303 considered and passed House; passage vacated and S.1157, amended, passed in lieu.

Nov. 27, House and Senate agreed to conference report.

Public Law 96-133
96th Congress

An Act

To amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program, and for other purposes.

Nov. 30, 1979
[S. 1871]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Energy Policy and Conservation Act, amendments.

EXTENSION

SECTION 1. Subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "November 30, 1979" and inserting in lieu thereof "March 15, 1981".

TRANSCRIPTS

SEC. 2. Subsection (c)(4) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(4)) is amended by adding at the end thereof the following: "Such access to any transcript that is required to be kept for any meeting shall be provided as soon as practicable (but not later than 14 days) after that meeting.".

REPORT

42 USC 6272 note.

SEC. 3. The Secretary of Energy, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Federal Trade Commission, shall prepare and submit to the appropriate committees of Congress, a report concerning the actions taken by them to carry out the provisions of section 252 of the Energy Policy and Conservation Act. Such report shall examine and discuss—

(1) the extent to which all, or part, of any meeting held in accordance with section 252(c) of such Act to carry out a voluntary agreement or to develop or carry out a plan of action should be open to interested persons in furtherance of the provisions of section 252(c)(1)(A) of such Act;

(2) the policies and procedures followed by the appropriate Federal agencies in reviewing and making public or withholding from the public all, or part, of any transcript of any meeting held to develop or carry out a voluntary agreement or plan of action under section 252 and in permitting persons, other than citizens of the United States, to review such transcripts prior to any public disclosure thereof;

(3) the extent to which the classification of all, or part, of such transcripts should be carried out by one agency;

(4) the adequacy of actions by the responsible Federal agencies in insuring that the standards and procedures required by section 252 are fully implemented and enforced, including the monitoring of the program concerning any anticompetitive effects, and the number of personnel, and the amount of funds, assigned by each such agency to carry out such standards and procedures;

(5) the actions taken, or to be taken, to improve the reporting of energy supply data under the international energy program and

to reconcile such reporting with similar reporting that is conducted by the Department of Energy;

(6) the actions taken, or planned, to improve the reporting required by section 252(i); and 42 USC 6272.

(7) other actions under such section.

Due date. The Secretary of Energy shall transmit such report to such committees within 120 days after the date of the enactment of this Act and shall make such report available to the public.

Approved November 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-510 accompanying H.R. 4445 (Comm. on Interstate and Foreign Commerce) and No. 96-669 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Oct. 17, considered and passed Senate.

Oct. 22, H.R. 4445 considered and passed House; passage vacated, and S. 1871, amended, passed in lieu.

Oct. 30, Senate concurred in House amendment with an amendment.

Nov. 16, Senate receded from its amendment and concurred in House amendment with an amendment.

Nov. 28, Senate agreed to conference report.

Nov. 29, House agreed to conference report.

Public Law 96-134
96th Congress

An Act

To designate the building known as the Federal Building in Wilmington, Delaware, as the "J. Caleb Boggs Building".

Dec. 5, 1979
[S. 1686]

J. Caleb Boggs Building. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the building at 844 King Street, Wilmington, Delaware (commonly known as the Federal Building) shall hereafter be known and designated as the "J. Caleb Boggs Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be held to be a reference to the "J. Caleb Boggs Building".**

Approved December 5, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-522 accompanying H.R. 5228 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-391 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 1, considered and passed Senate.
Nov. 27, H.R. 5228 considered and passed House; passage vacated and S. 1686 passed in lieu.

Public Law 96-135
96th Congress

An Act

Dec. 5, 1979
[H.R. 1885]

To amend Civil Service retirement provisions as they apply to certain employees of the Bureau of Indian Affairs and of the Indian Health Service who are not entitled to Indian employment preference and to modify the application of the Indian employment preference laws as it applies to those agencies.

Indians. Civil service retirement provisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8336 of title 5, United States Code, is amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection:

"(j)(1) Except as provided in paragraph (3), an employee is entitled to an annuity if he—

"(A)(i) is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service, or

"(ii) is involuntarily separated, except by removal for cause on charges of misconduct or delinquency, during the 2-year period before the date on which he would meet the years of service and age requirements under clause (i),

"(B) was employed in the Bureau of Indian Affairs, the Indian Health Service, a tribal organization (to the extent provided in paragraph (2)), or any combination thereof, continuously from December 21, 1972, to the date of his separation, and

"(C) is not entitled to preference under the Indian preference laws.

"(2) Employment in a tribal organization may be considered for purposes of paragraph (1)(B) of this subsection only if—

"(A) the employee was employed by the tribal organization after January 4, 1975, and immediately before such employment he was an employee of the Bureau of Indian Affairs or the Indian Health Service, and

"(B) at the time of such employment such employee and the tribal organization were eligible to elect, and elected, to have the employee retain the coverage, rights, and benefits of this chapter under section 105(e)(2) of the Indian Self-Determination Act (25 U.S.C. 450i(a)(2); 88 Stat. 2209).

"(3)(A) The provisions of paragraph (1) of this subsection shall not apply with respect to any separation of any employee which occurs after the date 5 years after—

"(i) the date the employee first meets the years of service and age requirements of paragraph (1)(A)(i), or

"(ii) the date of the enactment of this paragraph, if the employee met those requirements before that date.

"(B) For purposes of applying this paragraph with respect to any employee of the Bureau of Indian Affairs in the Department of the Interior or of the Indian Health Service in the Department of Health, Education, and Welfare, the Secretary of the department involved may postpone the date otherwise applicable under subparagraph (A) if—

"(i) such employee consents to such postponement, and

"(ii) the Secretary finds that such postponement is necessary for the continued effective operation of the agency.

The period of any postponement under this subparagraph shall not exceed 12 months and the total period of all postponements with respect to any employee shall not exceed 5 years.

"(4) For the purpose of this subsection—

"Bureau of Indian Affairs."

"(A) 'Bureau of Indian Affairs' means (i) the Bureau of Indian Affairs and (ii) all other organizational units in the Department of the Interior directly and primarily related to providing services to Indians and in which positions are filled in accordance with the Indian preference laws.

"Indian preference laws."

"(B) 'Indian preference laws' means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986), or any other provision of law granting a preference to Indians in promotions or other Federal personnel actions.".

(b) Section 8339(d) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

5 USC 8336.

"(5) The annuity of an employee retiring under section 8336(j) of this title is computed under subsection (a) of this section, except that with respect to service on or after December 21, 1972, the employee's annuity is—

"(A) 2½ percent of the employee's average pay multiplied by so much of the employee's service on or after that date as does not exceed 20 years; plus

"(B) 2 percent of the employee's average pay multiplied by so much of the employee's service on or after that date as exceeds 20 years.".

(c) The first sentence of section 8339(h) of title 5, United States Code, is amended—

(1) by inserting "(d)(5)," after "(b),"; and

(2) by striking out "or (h)" and inserting in lieu thereof ", (h), or (j)".

Effective date.
5 USC 8336 note.

(d) The amendments made by this section shall take effect on the date of the enactment of this Act.

Reductions in force.
25 USC 472a.

Sec. 2. (a) For purposes of applying reduction-in-force procedures under subsection (a) of section 3502 of title 5, United States Code, with respect to positions within the Bureau of Indian Affairs and the Indian Health Service, the competitive and excepted service retention registers shall be combined, and any employee entitled to Indian preference who is within a retention category established under regulations prescribed under such subsection to provide due effect to military preference shall be entitled to be retained in preference to other employees not entitled to Indian preference who are within such retention category.

Reassignment.

(b)(1) The Indian preference laws shall not apply in the case of any reassignment within the Bureau of Indian Affairs or within the Indian Health Service (other than to a position in a higher grade) of an employee not entitled to Indian preference if it is determined that under the circumstances such reassignment is necessary—

(A) to assure the health or safety of the employee or of any member of the employee's household;

(B) in the course of a reduction in force; or

(C) because the employee's working relationship with a tribe has so deteriorated that the employee cannot provide effective service for such tribe or the Federal Government.

(2) The authority to make any determination under subparagraph (A), (B), or (C) of paragraph (1) is vested in the Secretary of the Interior with respect to the Bureau of Indian Affairs and the Secretary of Health, Education, and Welfare with respect to the Indian Health Service, and, notwithstanding any other provision of law, the Secretary involved may not delegate such authority to any individual other than an Under Secretary or Assistant Secretary of the respective department.

Waiver.

(c)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action respecting an employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action.

(2) The provisions of section 8336(j) of title 5, United States Code (as added by the preceding section of this Act), shall not apply to any individual who has accepted a waiver with respect to a personnel action pursuant to paragraph (1) of this subsection or to section 1131(f) of the Education Amendments of 1978 (25 U.S.C. 2011(f); 92 Stat. 2324).

Reports to Congress.

(d) The Secretaries of the Interior and Health, Education, and Welfare shall each submit to the Congress a report following the close of each fiscal year with respect to the actions which they took in such fiscal year to recruit and train Indians to qualify such Indians for positions which are subject to preference under the Indian preference laws. Such report shall also include information as to the grade levels and occupational classifications of Indian and non-Indian employees in the Bureau of Indian Affairs and the Indian Health Service.

Office of Personnel Management, placement assistance.

(e)(1) The Office of Personnel Management shall provide all appropriate assistance to the Bureau of Indian Affairs and the Indian Health Service in placing non-Indian employees of such agencies in other Federal positions. All other Federal agencies shall cooperate to the fullest extent possible in such placement efforts.

Reports to Congress.

(2) The Secretaries of the Interior and Health, Education, and Welfare, and the Director of the Office of Personnel Management shall each submit a report to Congress following the close of each fiscal year with respect to the actions which they took in such fiscal year to place non-Indian employees of the Bureau of Indian Affairs and the Indian Health Service in other Federal positions.

Definitions.

(f) For purposes of this section—

(1) The term "tribal organization" means—

(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

(B) in connection with any personnel action referred to in subsection (c)(1) of this section, any legally established organization of Indians which is controlled, sanctioned, or chartered by a governing body referred to in subparagraph (A) of this paragraph and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

(2) The term "Indian preference laws" means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions.

(3) The term "Bureau of Indian Affairs" means (A) the Bureau of Indian Affairs and (B) all other organizational units in the Department of the Interior directly and primarily related to providing services to Indians and in which positions are filled in accordance with the Indian preference laws.

Approved December 5, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-370, Pt. 1 (Comm. on Post Office and Civil Service) and Pt. 2 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 26, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 96-136
96th Congress

Joint Resolution

Dec. 7, 1979
[H.J. Res. 448]

Proclaiming the week of December 3 through December 9, 1979 as "Scouting Recognition Week".

Whereas Scouting is a firmly established tradition in the United States; and

Whereas youth involved in Scouting are a credit to their communities, their country, and a way of life that can survive only so long as the youth of this Nation are brought up to believe in and practice its principles; and

Whereas the first week of December is an appropriate time to recognize the achievements and objectives of the Scouting movement since the fifty-fifth annual calendar program, a vehicle designed to familiarize the American public with the Scout movement, is conducted during this week; and

Whereas it is appropriate for the Government to recognize the positive principles of patriotism, enthusiasm, and service that Scouting typifies: Now, therefore, be it

Scouting Recognition Week. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, **That the week of December 3 through December 9, 1979 is designated as "Scouting Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week by appropriate activities.**

Approved December 7, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 29, considered and passed House.
Dec. 4, considered and passed Senate.

Public Law 96-137
96th Congress

An Act

To authorize appropriations for fiscal year 1980 for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves, and for other purposes.

Dec. 12, 1979
[H.R. 3354]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Department of Energy for fiscal year 1980 for conservation, exploration, development, and use of the naval petroleum reserves and the naval oil shale reserves under chapter 641 of title 10, United States Code, the sum of $85,210,000, of which—

Naval petroleum and oil shale reserves, appropriation authorizations for fiscal year 1980.
10 USC 7420 *et seq.*

(1) $5,300,000 shall be available for exploration of Naval Petroleum Reserves Numbered 1 and 2;

(2) $52,911,000 shall be available for operation and maintenance of Naval Petroleum Reserves Numbered 1 and 2;

(3) $16,089,000 shall be available for operation, maintenance, and development drilling of Naval Petroleum Reserve Numbered 3;

(4) $5,010,000 shall be available for oil and gas exploration of Naval Oil Shale Reserve Numbered 2; and

(5) $2,000,000 shall be available for development of Naval Oil Shale Reserves Numbered 1, 2, and 3.

SEC. 2. The Secretary of the Navy, in coordination with the Secretary of Energy, shall insure that commissioned officers of the Navy on active duty continue to be assigned to key management positions within the Office of Naval Petroleum and Oil Shale Reserves in the Department of Energy. The position of Director of such Office shall continue to be filled by a qualified officer of the Navy on active duty in the grade of captain.

42 USC 7156a.

SEC. 3. (a) Section 7422(c) of title 10, United States Code, is amended by striking out the last sentence of paragraph (1).

(b)(1) Section 7432 of such title is amended to read as follows:

10 USC 7432.

"§ 7432. Authorizations of appropriations

"(a) Funds for the following purposes may not be appropriated unless such appropriations have been specifically authorized by law:

"(1) Exploration, prospecting, conservation, development, use, operations, and production of the naval petroleum reserves as authorized by this chapter;

"(2) Production (including preparation for production) as authorized by this chapter or as may be authorized after April 5, 1976.

"(3) The construction and operation of facilities both within and outside the naval petroleum reserves incident to the production and the delivery of petroleum, including pipelines and shipping terminals.

Sums appropriated for such purposes shall remain available until expended.

"(b) Contracts under this chapter providing for the obligation of funds may be entered into for a period of five years, renewable for an additional five-year period; however, such contracts may obligate funds only to the extent that such funds are made available in appropriation Acts.".

(2) The item relating to section 7432 in the table of sections at the beginning of chapter 641 of such title is amended to read as follows:

"7432. Authorizations of appropriations.".

Naval petroleum reserves special account, abolishment.
42 USC 7432 note.
Transfer of funds.

(c) The naval petroleum reserves special account established by section 7432 of title 10, United States Code, as in existence on the day before the date of the enactment of this Act, is abolished. Unappropriated balances of funds in the naval petroleum reserves special account on the date of the enactment of this Act shall be transferred on the books of the Treasury into miscellaneous receipts, and all moneys accruing to the United States after such date under chapter 641 of title 10, United States Code, shall be covered into the Treasury as miscellaneous receipts.

Approved December 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-91 (Comm. on Armed Services) and No. 95-596 (Comm. of Conference).

SENATE REPORTS: No. 96-325 (Comm. on Armed Services) and No. 96-410 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):
- Apr. 25, considered and passed House.
- Sept. 27, considered and passed Senate, amended.
- Nov. 9, Senate agreed to conference report.
- Nov. 28, House agreed to conference report.

Public Law 96-138
96th Congress

An Act

Authorizing the President of the United States to present a gold medal to the American Red Cross.

Dec. 12, 1979
[H.R. 4259]

American Red Cross.
Gold medal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present in the name of Congress, an appropriate gold medal to the American Red Cross, in recognition of its unselfish and humanitarian service to the people of the United States. For such purposes, the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, device, and inscriptions to be determined by the Secretary. There are authorized to be appropriated not to exceed $15,000 after October 1, 1980, to carry out the purposes of this subsection.

Appropriation authorization.

Duplicates.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal, and the appropriation used for carrying out the provisions of this Act shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

Approved December 12, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-429 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 15, considered and passed House.
Dec. 4, considered and passed Senate.

Public Law 96-139
96th Congress

An Act

Dec. 12, 1979
[S. 1491]

To designate the building known as the Federal Building, at 211 Main Street, in Scott City, Kansas, as the "Henry D. Parkinson Federal Building".

Henry D. Parkinson Federal Building, Kans. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building at 211 Main Street, in Scott City, Kansas (commonly known as the Federal Building) shall hereafter be known and designated as the "Henry D. Parkinson Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be held to be a reference to the Henry D. Parkinson Federal Building.

Approved December 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-663 accompanying H.R. 4532 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-389 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 1, considered and passed Senate.
Dec. 3, H.R. 4532 considered and passed House; passage vacated and S. 1491 passed in lieu.

Public Law 96-140
96th Congress

An Act

To designate the Federal Building in Rochester, New York, the "Kenneth B. Keating Federal Building".

Dec. 12, 1979
[S. 1535]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building at 100 State Street, Rochester, New York, shall hereafter be known and designated as the "Kenneth B. Keating Federal Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be deemed to be a reference to the "Kenneth B. Keating Federal Building".

Kenneth B. Keating Federal Building, N.Y. Designation.

Approved December 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-664 accompanying H.R. 4845 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-390 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 1, considered and passed Senate.
Dec. 3, H.R. 4845 considered and passed House; passage vacated and S. 1535, amended, passed in lieu.
Dec. 4, Senate concurred in House amendments.

Public Law 96-141
96th Congress

An Act

Dec. 12, 1979
[S. 1655]

To designate the building known as the Department of Labor Building in Washington, District of Columbia, as the "Frances Perkins Department of Labor Building".

Frances Perkins Department of Labor Building, D.C.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building at 200 Constitution Avenue, Northwest, in Washington, District of Columbia (commonly known as the Department of Labor Building) shall hereafter be known and designated as the "Frances Perkins Department of Labor Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be held to be a reference to the "Frances Perkins Department of Labor Building".

Approved December 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-665 accompanying H.R. 5781 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-388 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Nov. 1, considered and passed Senate.
  Dec. 3, H.R. 5871 considered and passed House; passage vacated and S. 1655 passed in lieu.

Public Law 96-142
96th Congress

An Act

Dec. 12, 1979
[S. 497]

To extend for three fiscal years the authorizations of appropriations under section 789 and title XII of the Public Health Service Act relating to emergency medical services, to revise and improve the authorities for assistance under such title XII, to increase the authorizations of appropriations and revise and improve the authorities for assistance under part B of title XI of such Act for sudden infant death syndrome counseling and information projects, and for other purposes.

Public Health Service Act, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

Emergency Medical Services Systems Amendments of 1979.

TITLE I—EMERGENCY MEDICAL SERVICES SYSTEMS AMENDMENTS

SHORT TITLE

42 USC 201 note.

SEC. 101. This title may be cited as the "Emergency Medical Services Systems Amendments of 1979".

TRAINING IN EMERGENCY MEDICAL SERVICES

SEC. 102. Section 789(g)(1) (42 U.S.C. 295g-9(g)(1)) is amended by inserting before the period a comma and "$5,000,000 for the fiscal year ending September 30, 1980, $7,000,000 for the fiscal year ending September 30, 1981, and $8,000,000 for the fiscal year ending September 30, 1982".

ASSISTANCE FOR FEASIBILITY STUDIES AND PLANNING

SEC. 103. Section 1202(f) (42 U.S.C. 300d-1(f)) is amended to read as follows:

"(f) Priority for making grants or entering into contracts under this section shall be afforded to eligible entities applying for such grants or contracts under subsection (a) of this section.".

ASSISTANCE FOR EXPANSION AND IMPROVEMENT

SEC. 104. (a) Subsection (b) of section 1204 (42 U.S.C. 300d-3(a)) is amended by (1) redesignating paragraph (2) as paragraph (3), and (2) adding after paragraph (1) the following new paragraph:

"(2) The Secretary may make a third grant or enter into a third contract under subsection (a) for an emergency medical services system if—

"(A) Federal financial assistance under this Act for emergency medical services for the geographical area with respect to which such grant or contract would be made or entered into was first provided under a grant or contract under this section, or

"(B) the Secretary determines that the applicant (i) demonstrates an exceptional need for such grant or contract, and (ii) is making substantial progress toward achieving financial support to implement the plan described in subsection (d)(1)(B)(ii).

A third grant or contract under subsection (a) may not be used to replace equipment or facilities acquired with a previous grant or contract under such subsection.".

(b)(1) Subsection (b)(1) of such section is amended by striking out "If a" and inserting in lieu thereof "Except as provided in paragraph (2), if a".

(2) Subsection (b)(3)(B) of such section (as so redesignated by subsection (a) of this section) is amended by striking out "the second grant or contract" and inserting in lieu thereof "a grant or contract (other than the first grant or contract)".

(3) Subsection (d)(2) of such section is amended by striking out "A second grant or contract" and inserting in lieu thereof "A grant or contract (other than the first grant or contract)".

(4) Subsection (e) of such section is amended by striking out "second such grant" and inserting in lieu thereof "last such grant".

(c) Section 1206(b)(1)(B) (42 U.S.C. 300d-5(b)(1)(B)) is amended by inserting before the period at the end "or a third grant or contract received under section 1204". 42 USC 300d-3; *Ante*, p. 1067.

AUTHORIZATION OF APPROPRIATIONS

SEC. 105. (a) Section 1207(a)(1) (42 U.S.C. 300d-6(a)(1)) is amended by—

(1) striking out "(a)(1) For" and inserting in lieu thereof "(a)(1)(A) Except as provided in subparagraph (B), for",

(2) striking out "and" after "1977",

(3) striking out "1978; and for the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, there are authorized to be appropriated" and inserting in lieu thereof "1978,",

(4) inserting before the period at the end thereof a comma and "and $40,000,000 for the fiscal year ending September 30, 1980, and for each of the next two fiscal years", and

(5) adding at the end the following new subparagraph:

"(B) No funds appropriated under subparagraph (A) may be used to make payments under a third grant or contract made or entered into under section 1204. For the purpose of making payments under such a grant or contract, there are authorized to be appropriated $6,000,000 for the fiscal year ending September 30, 1981.". 42 USC 300d-3; *Ante*, p. 1067.

(b)(1) Paragraph (5)(A) of subsection (a) of section 1207 is amended by adding at the end the following new sentence: "Of the sums appropriated under paragraph (1)(A)—

"(i) at least 1 per centum of the sums appropriated for the fiscal year ending September 30, 1980, at least three-fourths of 1 per centum of the sums appropriated for the fiscal year ending September 30, 1981, and at least one-half of 1 per centum of the sums appropriated for the fiscal year ending September 30, 1982, and

"(ii) not more than 5 per centum of the sums appropriated for any such fiscal year,

shall be used for grants and contracts under section 1202.". 42 USC 300d-1; *Ante*, p. 1067.

(2) Paragrah (5)(B) of subsection (a) of such section is amended by (A) striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1)(A)", (B) striking out "such fiscal years" and inserting in lieu

thereof "such fiscal year", and (C) striking out "two" and inserting in lieu thereof "five".

(c) Section 1207(b) is amended by inserting before the period at the end a comma and "$3,000,000 for the fiscal year ending September 30, 1980, $3,500,000 for the fiscal year ending September 30, 1981, and $3,500,000 for the fiscal year ending September 30, 1982". 42 USC 300d-6.

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

SEC. 106. Section 1209(c) (42 U.S.C. 300d-8(c)) is amended by inserting "the Federal Emergency Management Agency (established pursuant to Reorganization Plan Number 3 of June 19, 1978)," after "Commission,". 5 USC app.

BURN, POISON, AND TRAUMA INJURIES

SEC. 107. (a) Section 1221(a) (42 U.S.C. 300d-21(a)) is amended by—

(1) inserting "and organizational arrangements" after "different methods", and

(2) inserting a comma and "trauma, or poison" after "burns" both times it appears.

(b) Section 1221(b) is amended by adding at the end the following sentence: "No grant or contract under subsection (a) for a program relating to poison injuries may be made for an amount in excess of 50 per centum of the costs of the program for which it is made.".

Appropriation authorization.

(c) Section 1221(c) is amended by—

(1) striking out "and" after "1978,",

(2) inserting before the period a comma and "$6,000,000 for the fiscal year ending September 30, 1980, $12,000,000 for the fiscal year ending September 30, 1981, and $10,000,000 for the fiscal year ending September 30, 1982", and

(3) adding at the end the following new sentences: "Not less than 50 per centum of the funds appropriated under this subsection for the fiscal year ending September 30, 1980, shall be obligated for grants and contracts under subsection (a) for programs relating to poison injuries. Not less than 25 per centum of the funds appropriated under this subsection for each of the fiscal years ending September 30, 1981, and September 30, 1982, shall be obligated for grants and contracts under subsection (a) for programs relating to poison injuries and not less than 25 per centum of such funds shall be obligated for grants and contracts under subsection (a) for programs relating to trauma injuries.".

(d)(1) The title of part B of title XII is amended by striking out "BURN INJURIES" and inserting in lieu thereof "BURN, TRAUMA, AND POISON INJURIES". 42 USC 300d-21.

(2) The heading for section 1221 is amended by striking out "BURN INJURIES" and inserting in lieu thereof "BURN, TRAUMA, AND POISON INJURIES".

EFFECTIVE DATE

SEC. 108. The amendments made by this title to section 789 and title XII of the Public Health Service Act shall take effect with respect to appropriations made under those provisions for fiscal years beginning after September 30, 1979.

42 USC 295g-9 note.
42 USC 295g-9;
Ante, p. 1067.
42 USC 300d.

TITLE II—SUDDEN INFANT DEATH SYNDROME AMENDMENTS

SHORT TITLE

Sudden Infant Death Syndrome Amendments of 1979.
42 USC 201 note.

SEC. 201. This title may be cited as the "Sudden Infant Death Syndrome Amendments of 1979".

SUDDEN INFANT DEATH SYNDROME PROGRAM

SEC. 202. Part B of title XI (42 U.S.C. 300c-11) is amended to read as follows:

"PART B—SUDDEN INFANT DEATH SYNDROME

"SUDDEN INFANT DEATH SYNDROME COUNSELING, INFORMATION, EDUCATIONAL, AND STATISTICAL PROGRAMS; PLANS AND REPORTS

42 USC 300c-11.

"SEC. 1121. (a)(1) The Secretary, through an identifiable administrative unit under the supervision of the Assistant Secretary for Health, shall carry out a program to develop public information and professional educational materials relating to sudden infant death syndrome, and to disseminate such information and materials to persons providing health care, to public safety officials, and to the general public. The Secretary shall administer, through such unit, the functions assigned in this section, and shall provide such unit with such full-time professional and clerical staff and with the services of such consultants and of such management and supporting staff as may be necessary for it to carry out such functions effectively.

"(2) The Secretary shall—

"(A) develop and implement a system for the periodic reporting to the Department, and dissemination by the Department, of information collected under grants and contracts made under subsection (b)(1) of this section; and

"(B) carry out coordinated clearinghouse activities on sudden infant death syndrome, including the collection and dissemination to the public, health and educational institutions, professional organizations, voluntary groups with a demonstrated interest in sudden infant death syndrome, and other interested parties of information pertaining to sudden infant death syndrome and related issues such as death investigation systems, personnel training, biomedical research activities, and information on the utilization and availability of treatment or prevention procedures and techniques, such as home monitors.

The Secretary is authorized to enter into contracts with public or private entities to carry out the information and clearinghouse activities required under this subsection.

Grants to and contracts with public or private entities.

"(b)(1) The Secretary is authorized to make grants to public or nonprofit private entities, and enter into contracts with public or private entities, for projects which include both—

"(A) the collection, analysis, and furnishing of information (derived from post mortem examinations and other means) relating to the causes and other appropriate aspects of sudden infant death syndrome; and

"(B) the provision of information and counseling to families affected by sudden infant death syndrome.

"(2) No grant may be made or contract entered into under this subsection unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall, by regulation, prescribe. Each application shall—

"(A) provide that the project for which assistance under this subsection is sought will be administered by or under the supervision of the applicant;

"(B) provide for appropriate community representation (including appropriate involvement of voluntary groups with a demonstrated interest in sudden infant death syndrome) in the development and operation of such project;

"(C) set forth such fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subsection; and

"(D) provide for making such reports in such form, at such times, and containing such information as the Secretary may reasonably require, including such reports as will assist in carrying out the provisions of subsection (a)(2) of this section.

Report to congressional committees.

"(c)(1) Not later than February 1 of each year after 1979, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives a comprehensive report on the administration of this part (including funds and positions allocated for personnel) and the results obtained from activities thereunder, including the extent of allocations made to rural and urban areas. The report submitted on or before February 1, 1980, shall also set forth a plan to—

"(A) extend counseling and information services to the fifty States and the District of Columbia by July 1, 1980; and

"(B) extend counseling and information services to all possessions and territories of the United States by July 1, 1981.

Study.

"(2) The Secretary shall conduct or provide for the conduct of a study on State laws, practices, and systems relating to death investigation and their impact on sudden and unexplained infant deaths, and any appropriate means (such as model State laws governing death investigations) for improving the quality, frequency, and uniformity of the post mortem examinations performed under such laws, practices, and systems in the case of sudden and unexplained infant deaths. Not later than December 31, 1980, the Secretary shall report to the Congress the results of such study, including recommendations as to any appropriate actions by the Department of Health, Education, and Welfare with respect to the conduct of post mortem investigations in all cases of sudden and unexplained infant death (including the desirability and feasibility of establishing pilot projects for centralized post mortem and specimen examination systems on a statewide or regional basis).

Report to Congress.

Appropriation authorization.

"(d)(1) For the purpose of making grants and contracts under and otherwise carrying out this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1975; $3,000,000 for the fiscal year ending June 30, 1976; $4,000,000 for fiscal year 1977; $3,650,000 for fiscal year 1978; $3,500,000 for fiscal year 1979; $5,000,000 for fiscal year 1980; and $7,000,000 for fiscal year 1981.

"(2) Payments under grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(3) Contracts under this section may be entered into without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

Equitable distribution of funds.

"(4) The Secretary shall seek to make equitable distribution of funds appropriated under this section among the various regions of the country and to ensure that the needs of rural and urban areas are appropriately addressed.

"SUDDEN INFANT DEATH SYNDROME RESEARCH AND RESEARCH REPORTS

42 USC 300c-12.

"SEC. 1122. (a) From the sums appropriated to the National Institute of Child Health and Human Development under section 441, the Secretary shall assure that there are applied to research of the type described in subparagraphs (A) and (B) of subsection (b)(1) of this section such amounts each year as will be adequate, given the leads and findings then available from such research, in order to make maximum feasible progress toward identification of infants at risk of sudden infant death syndrome and prevention of sudden infant death syndrome.

Report to congressional committees.

"(b)(1) Not later than ninety days after the close of the fiscal year ending September 30, 1979, and of each fiscal year thereafter, the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Interstate and Foreign Commerce of the House of Representatives specific information for such fiscal year on—

"(A) the (i) number of applications approved by the Secretary in the fiscal year reported on for grants and contracts under this Act for research which relates specifically to sudden infant death syndrome, (ii) total amount requested under such applications, (iii) number of such applications for which funds were provided in such fiscal year, and (iv) total amount of such funds; and

"(B) the (i) number of applications approved by the Secretary in such fiscal year for grants and contracts under this Act for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, (ii) relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome, (iii) total amount requested under such applications, (iv) number of such applications for which funds were provided in such fiscal year, and (v) total amount of such funds.

Contents.

"(2) Each report submitted under paragraph (1) of this subsection shall—

"(A) contain a summary of the findings of intramural and extramural research supported by the National Institute of Child Health and Human Development relating to sudden infant death syndrome as described in subparagraphs (A) and (B) of such paragraph (1), and the plan of such Institute for taking maximum advantage of such research leads and findings; and

"(B) provide an estimate of the need for additional funds over each of the next five fiscal years for grants and contracts under this Act for research activities described in such subparagraphs.

Report to congressional committees.

"(c) Within five days after the Budget is transmitted by the President to the Congress for each fiscal year after fiscal year 1980, the Secretary shall transmit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on

Interstate and Foreign Commerce of the House of Representatives an estimate of the amounts requested for the National Institute of Child Health and Human Development and any other Institutes of the National Institutes of Health, respectively, for research relating to sudden infant death syndrome as described in subparagraphs (A) and (B) of subsection (b)(1) of this section, and a comparison of such amounts with the amounts requested for the preceding fiscal year.".

TITLE III—MISCELLANEOUS

MISCELLANEOUS

SEC. 301. (a)(1) Subsection (a) of section 340 (42 U.S.C. 256(a)) is amended by striking out "which provide health services". 92 Stat. 3567.

(2) Subsections (c)(1) and (g)(4) of such section are each amended by striking out "section 301" and inserting in lieu thereof "section 301, 304, or 305". 42 USC 241, 242b, 242c.

(b) The amendments made by subsection (a) of this section shall take effect with respect to appropriations made under section 340 of the Public Health Service Act for fiscal years beginning after September 30, 1979. 42 USC 256 note. *Supra.*

Approved December 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-185 accompanying H.R. 3642 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-102 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 9, considered and passed Senate.
Sept. 28, H.R. 3642 considered and passed House; passage vacated and S. 497, amended, passed in lieu.
Nov. 15, Senate agreed to House amendment with an amendment.
Nov. 29, House concurred in Senate amendment.

Public Law 96-143
96th Congress

An Act

Dec. 13, 1979
[S. 239]

To authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, to amend such Act to facilitate the improvement of programs carried out thereunder, and for other purposes.

Domestic Volunteer Service Act Amendments of 1979.
42 USC 4951 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1979".

ASSIGNMENT OF VOLUNTEERS

42 USC 4953.

SEC. 2. (a) Section 103(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) (hereinafter in this Act referred to as "the Act") is amended by—

(1) striking out in the second sentence "Prior to" and inserting in lieu thereof "Not later than 30 days after"; and

(2) adding at the end the following new sentence: "The Director shall offer to provide each volunteer enrolled for a period of full-time service of not less than one year under this title, and, upon the request of such volunteer, provide such volunteer with an individual and updated plan as described in the preceding two sentences.".

(b) Section 103(d) of the Act is amended by—

(1) inserting "in a program or project" after "work";

(2) inserting "or project" after "program"; and

Notification to Director.

(3) striking out in the first sentence "has not" and all that follows through the end of such subsection and inserting in lieu thereof "such Governor or other chief executive officer has not, within 45 days of the date of such submission, notified the Director in writing, supported by a statement of reasons, that such Governor or other chief executive officer disapproves such program or project. In the event of a timely request in writing, supported by a statement of reasons, by the Governor or other chief executive officer of the State concerned, the Director shall terminate a program or project or the assignment of a volunteer to a program or project not later than 30 days after the date such request is received by the Director, or at such later date as is agreed upon by the Director and such Governor or other chief executive officer.".

SUPPORT SERVICES

42 USC 4955.

SEC. 3. The first sentence of section 105(a)(2) of the Act is amended to read as follows: "Stipends shall be payable only upon completion of a period of service, except that under such circumstances as the Director shall determine, in accordance with regulations which the Director shall prescribe, the accrued stipend, or any part of the accrued stipend, may be paid to the volunteer, or, on behalf of the volunteer, to members of the volunteer's family or others during the period of the volunteer's service.".

LIMITATION ON USE OF FUNDS FOR CERTAIN GRANTS

42 USC 4958.

SEC. 4. (a) Section 108 of the Act is amended by—

(1) striking out "20" and inserting in lieu thereof "16"; and

(2) adding at the end the following new sentence: "During the fiscal year ending September 30, 1980—

"(1) in no event may in excess of $5,800,000 be used pursuant to grants and contracts under this part for the direct cost of supporting such volunteers; and

"(2) funds obligated pursuant to such grants and contracts for such cost may be used to support no greater number of years of volunteer service than the number of such years supported during the fiscal year ending September 30, 1979, pursuant to grants and contracts for such cost.".

(b) Section 108 of the Act, as amended in subsection (a), is further amended by inserting "(a)" after "SEC. 108." and by adding at the end the following new subsection:

"(b) No funds shall be obligated under this part pursuant to grants or contracts made after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1979 for new projects for the direct cost of supporting volunteers unless the recipient of each such grant or contract has been selected through a competitive process which includes—

Ante, p. 1074.

"(1) public announcements of the availability of funds for such grants or contracts, general criteria for the selection of new recipients, and a description of the application process and the application review process; and

Public announcements.

"(2) a requirement that each applicant for any such grant or contract identify, with sufficient particularity to assure that the assignments of volunteers under such grants and contracts will carry out the purpose of this part, the particular poverty or poverty-related human, social, or environmental problems on which the grant or contract will focus, and any such grant or contract shall specifically so identify such problems.".

Grant or contract focus, identification.

SERVICE IN UNIVERSITY YEAR FOR ACTION PROGRAMS

42 USC 4973.

SEC. 5. Section 113(a) of the Act is amended by striking out "and" and inserting in lieu thereof "except that volunteers serving in the University Year for ACTION program may be enrolled for periods of service of not less than the duration of an academic year, but volunteers enrolled for less than 12 months shall not receive stipends under section 105(a)(1). Volunteers serving under this part".

42 USC 4955.

SPECIAL SERVICE-LEARNING PROGRAMS

42 USC 4974.

SEC. 6. Section 114(a) of the Act is amended by—

(1) striking out in the first sentence "10" and inserting in lieu thereof "22"; and

(2) striking out in the last sentence "$6,700,000" both places it appears and inserting in lieu thereof "$4,000,000".

SPECIAL VOLUNTEER PROGRAMS

42 USC 4992.

SEC. 7. (a) Section 122(a) of the Act is amended by—

(1) inserting "in urban and rural areas" after "programs" the first place it appears;

(2) striking out "and" the first place it appears, and by inserting after "abusers" a comma and "a program of assistance

to victims of domestic violence, a program to provide technical and management assistance to distressed communities, a program designed to provide personal and group financial counseling to low-income and fixed-income individuals (utilizing volunteers with specialized or technical expertise), and a Helping Hand program"; and

(3) adding at the end the following new sentence: "In carrying out programs authorized by this part, the Director is authorized to provide for the recruitment, selection, and training of volunteers.".

42 USC 4992. *Ante*, p. 1075.

(b) Section 122(a) of the Act, as amended in subsection (a), is further amended by inserting "(1)" after "SEC. 122. (a)" and by adding at the end the following new paragraph:

"Helping Hand" program.

"(2) For purposes of this subsection, the term 'Helping Hand' program means a program utilizing person-to-person services to reduce the necessity for institutionalization (in hospitals, mental institutions, nursing homes, other extended-care settings, and other facilities) and to ameliorate residential isolation (through senior centers, half-way house facilities, and other residential settings) of older persons, handicapped persons, and other affected persons, stressing interactions between persons from various age groups, particularly young and old, and carried out in coordination with the appropriate State system for the protection and advocacy of the rights of persons with developmental disabilities established pursuant to section 113 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6012).".

(c) Section 122(c) of the Act is amended to read as follows:

"(c)(1) The Director, in accordance with regulations which the Director shall prescribe, may provide to volunteers enrolled for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks under this part such allowances, support, and services as are described in section 105(b) and as the Director determines are necessary to carry out the purpose of this part, and shall apply the provisions of sections 104(c) and 105(b) to the service of volunteers enrolled for full-time service under this part.

42 USC 4954, 4955.

"(2) The Director, in accordance with regulations which the Director shall prescribe with respect to volunteers enrolled for periods of full-time service of not less than one year under this part—

"(A) may provide to such volunteers such stipends, in total amounts not in excess of stipends provided under section 105(a) to volunteers serving under part A of this title, as the Director determines are necessary to carry out the purpose of this part; and

42 USC 4951.

"(B) to the extent that the terms and conditions of the service of such volunteers are of similar character to the terms and conditions of the service of volunteers enrolled under part A of this title, shall apply to the service of such volunteers enrolled under this part the provisions of sections 103(b) relating to low-income community volunteers, 103(d), 104(d), and 105(a) to the extent such provisions are applied to the service of volunteers enrolled under such part A.".

42 USC 4953.

Report to congressional committees. 42 USC 4992 note. 42 USC 4991.

(d) Not later than 18 months after funds are first made available to carry out activities under the amendments to part C of title I of the Act made by this section, the Director of the ACTION Agency shall submit to the appropriate committees of the Congress a report on programs, activities, grants, and contracts so carried out, including a description of all programs established and contracts and grants made under such amended provisions, the amounts of funds obligated

for such programs, activities, grants, and contracts under such amended provisions, and the specific arrangements for the conduct of evaluations of such programs, activities, grants, and contracts pursuant to section 417 of the Act.

42 USC 5057.

PROHIBITION OF USE OF FUNDS FOR CERTAIN POLITICAL OR LOBBYING ACTIVITIES

42 USC 5043.

Sec. 8. (a) Section 403(a) of the Act is amended by—

(1) inserting in the first sentence "or the outcome of any election to any State or local public office," after "Federal office,"; and

(2) inserting in the last sentence "(when referring to an election for Federal office)" before "has the same meaning" the first place it appears.

(b) Section 403(b) of the Act is amended by—

(1) inserting "(1)" after "(b)";

(2) redesignating clause (1), clause (2), and clause (3) as clause (A), clause (B), and clause (C), respectively;

(3) designating the last sentence of such subsection as subsection (c); and

(4) inserting after paragraph (1) (as so redesignated in clause (1) of this subsection), and before subsection (c) (as so designated in clause (3) of this subsection), the following new paragraph:

"(2) No funds appropriated to carry out this Act shall be used by any program assisted under this Act in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except—

"(A) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of, such a program to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member; or

"(B) in connection with an authorization or appropriations measure directly affecting the operation of the program.".

SPECIAL LIMITATIONS

42 USC 5044.

Sec. 9. Section 404(g) of the Act is amended by—

(1) inserting "(1)" after "(g)";

Minimum wage.

(2) inserting before the period at the end of such paragraph (as so redesignated in clause (1) of this section) a comma and "except that this paragraph shall not apply in the case of such payments when the Director determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater"; and

(3) adding at the end the following new paragraph:

42 USC 4951.

"(2) Notwithstanding any other provision of law, a person enrolled for full-time service as a volunteer under title I of this Act who was otherwise entitled to receive assistance or services under any governmental program prior to such volunteer's enrollment shall not be denied such assistance or services because of such volunteer's failure or refusal to register for, seek, or accept employment or training during the period of such service.".

COORDINATION WITH OTHER PROGRAMS

42 USC 5050.

SEC. 10. Section 410 of the Act is amended by adding at the end the following new sentence: "The Director, in consultation with the Director of the Office of Personnel Management and the Secretaries of Labor, Commerce, and the Treasury and officials of other appropriate departments and agencies, shall take all appropriate steps to encourage State and local governments, charitable and service organizations, and private employers (1) to take into account experience in volunteer work in the consideration of applicants for employment; and (2) to make provisions for the listing and description of volunteer work on all employment application forms.".

APPLICATION OF FEDERAL LAW

42 USC 5055.

SEC. 11. (a) Section 415(b) of the Act is amended by—

42 USC 4951.

(1) striking out in the first sentence "in programs under title I of this Act for periods of service of at least one year" and inserting in lieu thereof "as volunteers for periods of full-time service, or, as the Director deems appropriate in accordance with regulations, for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks, under title I of this Act";

(2) striking out in clause (3) "and";

5 USC 5332 note.

(3) striking out in clause (4)(A) "the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS-7 employee," and inserting in lieu thereof "the annual rate of pay of a volunteer enrolled for a period of full-time service under such title I shall be deemed to be that received under the entrance salary for a grade GS-7 employee, and the annual rate of pay of a volunteer enrolled for a period of part-time service under such title I shall be deemed to be such entry salary or an appropriate portion thereof as determined by the Director,"; and

(4) inserting before the period at the end a comma and the following: "and (5) be deemed employees of the United States for the purposes of section 5584 of title 5, United States Code (and stipends and allowances paid under this Act shall be considered as pay for such purposes)".

(b) Section 415 of the Act is amended by adding at the end the following new subsection:

Medical damages, claims.

"(f)(1) The remedy—

"(A) against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, or

"(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of such title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of such person's duties as a volunteer enrolled under title I of this Act shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such person (or such person's estate) whose action or omission gave rise to such claim.

"(2) The Attorney General of the United States shall defend any civil action or proceeding brought in any court against any person referred to in paragraph (1) of this subsection (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate supervisor or to whomever is designated by the Director to receive such papers, and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought and to the Attorney General.

Ante, p. 1078.

"(3) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's volunteer assignment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, United States Code, and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a district court of the United States determine on a hearing on a motion to remand held before a trial on the merits that the volunteer whose act or omission gave rise to the suit was not acting within the scope of such person's volunteer assignment, the case shall be remanded to the State court.

"(4) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, United States Code, and with the same effect.".

NONDISCRIMINATION PROVISIONS

SEC. 12. (a) Section 417(a) of the Act is amended by—

42 USC 5057.

(1) inserting "handicap," after "age,"; and

(2) adding at the end the following new sentence: "For purposes of this subsection, and for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving Federal financial assistance.".

(b) Section 417 of the Act is amended by adding at the end the following new subsection:

"(c)(1) The Director shall apply the nondiscrimination policies and authorities set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), in title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), and in the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.) to applicants for enrollment for service as volunteers, and to volunteers serving, under this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.). Any remedies available to individuals under such laws, other than the right of appeal to the Civil Service Commission authorized by section 717 of the Civil Rights Act of 1964, and transferred to the Equal Employment Opportunity Commission by Reorganization Plan Number 1 of 1978, shall be available to such applicants or volunteers.

5 USC app.

Regulations. *Ante*, p. 1074.

"(2) Not later than 90 days after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1979, the Director, after consultation with the Equal Employment Opportunity Commission with regard to the application of the policies set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and with the Interagency Coordinating Council, established by section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 797), and the Interagency Committee on Handicapped Employees, established by section 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. 791(a)), with regard to the application of the policies set forth in title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), and, not later than 90 days after the Secretary of Health, Education, and Welfare or the Secretary of Health and Human Resources, as the case may be, publishes final general regulations to carry out the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.), and after consultation with the Secretary with regard to the application of the policies set forth in such Act, shall prescribe regulations establishing the procedures for the application of such policies and the provision of such remedies so as to promote the enrollment and service of persons as volunteers without regard to the discriminatory factors described in such laws.".

92 Stat. 2983. 29 USC 794c.

REQUIREMENTS FOR PRESCRIBING REGULATIONS

42 USC 5060.

SEC. 13. (a) Section 420 of the Act is amended to read as follows:

"REQUIREMENTS FOR PRESCRIBING REGULATIONS

"SEC. 420. (a) For purposes of this section—

"Regulation."

"(1) the term 'regulation' means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by the Director pursuant to this Act; and

"Committees."

"(2) the term 'Committees' means the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

Citations of legal authority.

"(b) Regulations prescribed by the Director or by any other officer of the ACTION Agency, in connection with, or affecting, the administration of any program carried out under this Act shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"(c)(1) Except as provided in paragraph (2)(B) of this subsection, no proposed regulation prescribed pursuant to this Act for the administration of any program carried out under this Act may take effect until 30 calendar days after it is published in the Federal Register.

30-day comment period.

"(2)(A) During the 30-day period before the date upon which such regulation is to be effective, the Director shall, in accordance with the provisions of section 553 of title 5, United States Code, offer any interested party an opportunity to make comment upon, and take exception to, such regulation and shall reconsider any such regulation upon which comment is made or to which exception is taken.

Waiver of comment period, submission to congressional committees.

"(B) If the Director determines that the 30-day requirement in paragraph (1) of this subsection would cause undue delay in the implementation of a regulation, thereby causing substantial hardship for the intended beneficiaries of any program carried out under this Act, the Director may waive the application of such requirement and shall immediately submit a notice of such determination and waiver, including a statement of the reasons therefor, to the Committees.

Final regulations, transmittal to Speaker of House and President of Senate.
45-day notice, waiver.

"(d) Concurrently with the publication in the Federal Register of any final regulation, a copy of such final regulation shall be transmitted to the Speaker of the House of Representatives and the President of the Senate. Except as is provided in the following sentence, no such final regulation may take effect until 45 calendar days after such transmission. If the Director determines that such 45-day requirement would cause undue delay in the implementation of the regulation, thereby causing substantial hardship for the intended beneficiaries of any program carried out under this Act, the Director may waive the application of such requirement and shall promptly submit a notice of such determination and waiver, including a statement of the reasons therefor, to the Committees.

Schedule of regulations, submission to congressional committees.

"(e) Not later than 60 days after the date of the enactment of any Act affecting the administration of any program carried out under this Act, the Director shall submit to the Committees a schedule in accordance with which the Director has planned to prescribe final regulations implementing such Act or part of such Act. Such schedule shall provide that all such final regulations shall be prescribed not later than 180 days after the submission of such schedule. Except as is provided in the following sentence, all such final regulations shall be prescribed in accordance with such schedule. If the Director determines that, due to circumstances unforeseen at the time of the submission of any such schedule, the schedule submitted pursuant to this subsection cannot be met, the Director shall submit a notice of such determination, including a statement of the reasons therefor, to the Committees and shall submit a new schedule which shall then be considered, for the purposes of this subsection, as the schedule originally submitted in connection with the enactment of the Act involved.".

(b) The table of contents for the Act is amended by striking out the item relating to section 420 and inserting in lieu thereof the following new item:

"Sec. 420. Requirements for prescribing regulations.".

REDUCTION OF PAPERWORK; REVIEW OF PROJECT RENEWALS

SEC. 14. (a) Title IV of the Act is amended by adding at the end the following new sections:

"REDUCTION OF PAPERWORK

42 USC 5063.

"SEC. 423. In order to reduce unnecessary, duplicative, or disruptive demands for information, the Director, in consultation with other appropriate agencies and organizations, shall continually review and evaluate all requests for information made under this Act and take such action as may be necessary to reduce the paperwork required under this Act. The Director shall request only such information as the Director deems essential to carry out the purposes and provisions of this Act.

"REVIEW OF PROJECT RENEWALS

42 USC 5064.

"SEC. 424. If the executive authority of any State or local government submits to the Director, not later than 30 days before the expiration of any contract or grant to carry out any project under this Act, a statement which objects to the renewal of such contract or grant, then the Director shall (1) review such statement and take it into account in determining whether to renew such contract or grant; and (2) submit to such executive authority a written statement of reasons regarding the Director's determination with respect to such renewal and specifically with respect to any objection so submitted.".

(b) The table of contents for the Act is amended by inserting after the item relating to section 422 the following new items:

"Sec. 423. Reduction of paperwork.
"Sec. 424. Review of project renewals.".

AUTHORIZATIONS OF APPROPRIATIONS

42 USC 5081.

SEC. 15. (a) Section 501(a) of the Act is amended by—

(1) striking out in the first sentence "and" after "September 30, 1977,", and by inserting "September 30, 1979, September 30, 1980, and September 30, 1981," after "September 30, 1978,"; and

(2) striking out in the second sentence "this title" and inserting in lieu thereof "this section for the purpose of carrying out title I of this Act". 42 USC 4951.

(b) Section 501 of the Act, as amended in subsection (a), is further amended by adding at the end the following new subsection:

"(c)(1) Of the funds appropriated for each of the fiscal years 1980 and 1981 for the purpose of carrying out title I of this Act (A) not less than $28,000,000 shall first be available for carrying out the VISTA program under part A of such title, and (B) of the funds appropriated for each such fiscal year for the purpose of carrying out such title which are in excess of $28,000,000 (i) not less than $2,300,000 for fiscal year 1980 and not less than $1,600,000 for fiscal year 1981 shall be available for carrying out the University Year for ACTION program under part B of such title, and (ii) not less than $500,000 for each such fiscal year shall be available for carrying out service-learning programs under section 114.

42 USC 4951.
42 USC 4971.
42 USC 4974.

"(2) Of the funds appropriated for each of the fiscal years 1980 and 1981 for the purpose of carrying out part C of title I of this Act which are in excess of $2,500,000 but not in excess of $10,000,000, not less than 50 per centum for each such fiscal year shall be available for carrying out the fixed-income counseling and Helping Hand programs under section 122.".

42 USC 4991.
42 USC 4992.

42 USC 5084.

(c) Section 504 of the Act is amended by striking out "and" after "September 30, 1977,", and by inserting "September 30, 1979, September 30, 1980, and September 30, 1981," after "September 30, 1978,".

RURAL PROGRAMS REPORT

42 USC 5054 note.

SEC. 16. Not later than February 1, 1980, the Director of the ACTION Agency shall submit to the appropriate committees of the Congress a report specifying the special needs and circumstances to be addressed in designing programs under the Domestic Volunteer Service Act of 1973 for implementation in rural areas. Such report shall include a detailed statement of the manner in which the Director intends to address such needs and circumstances, together with a timetable for designing and implementing such programs.

42 USC 4951 note.

AMENDMENT TO OTHER LAW

SEC. 17. Subsection (b) of section 5 of the Act entitled "An Act to amend further the Peace Corps Act, and for other purposes", approved November 14, 1975 (Public Law 94-130; 89 Stat. 684), is amended by striking out the last sentence of such subsection.

42 USC 4955 note.

TECHNICAL AMENDMENTS

SEC. 18. (a)(1) The table of contents for the Act is amended by striking out the items relating to title III, section 301, section 302, and section 503.

(2) Section 418 of the Act is amended by striking out "titles II and III" and inserting in lieu thereof "title II". 42 USC 5058.

(b) Section 221 of the Act is amended by striking out "Office of Economic Opportunity" and inserting in lieu thereof "Community Services Administration". 42 USC 5021.

(c)(1) Section 403(c) of the Act, as so designated in section 8(b)(3) of this Act, is amended by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management". 42 USC 5043.

(2) Section 415(c)(2) of the Act is amended by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management". 42 USC 5055.

Approved December 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-164 accompanying H.R. 2859 (Comm. on Education and Labor) and No. 96-606 (Comm. of Conference).
SENATE REPORTS: No. 96-99 (Comm. on Labor and Human Resources) and No. 96-412 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 20, considered and passed Senate.
Oct. 9, 10, H.R. 2859 considered and passed House; passage vacated and S. 239, amended, passed in lieu.
Nov. 9, Senate agreed to conference report.
Nov. 29, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 50:
Dec. 13, Presidential statement.

Public Law 96-144
96th Congress

An Act

Dec. 13, 1979
[H.R. 5871]

To authorize the apportionment of funds for the Interstate System, to amend section 103(e)(4) of title 23, United States Code, and for other purposes.

Interstate highway system, appropriation authorization.
23 USC 104 note.
23 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Transportation shall apportion for the fiscal year ending September 30, 1981, and the fiscal year ending September 30, 1982, the sums authorized to be appropriated for such fiscal years by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 96-15 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 2. Section 103(e)(4) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph.".

23 USC 103 note.

SEC. 3. Notwithstanding the amendment made to section 103(e)(4) of title 23, United States Code, by the preceding section, in the case where the Secretary has withdrawn his approval of a route or portion thereof on the Interstate System under such section between June 20, 1979, and June 30, 1979, both dates inclusive, the sum available to the Secretary of Transportation to incur obligations for projects substituted for such withdrawn route or portion thereof shall be a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the 1975 Interstate System cost estimate, as approved by Congress, subject to increase or decrease as determined by the Secretary based on changes in the construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under section 103(e)(4) of title 23, United States Code.

Approved December 13, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-620 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 15, considered and passed House.
Nov. 29, considered and passed Senate.

Public Law 96-145
96th Congress

An Act

Dec. 14, 1979
[H.R. 3407]

To waive the time limitation on the award of certain military decorations to members of the Intelligence and Reconnaissance Platoon of the 394th Infantry Regiment, 99th Infantry Division, for acts of valor performed during the Battle of the Bulge.

Military decorations.
Time limitation, waiver.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limitation contained in section 3744 of title 10, United States Code, with respect to the awarding of certain medals to persons in the Army shall not apply with respect to the awarding of any such medal to individuals who served as members of the Intelligence and Reconnaissance Platoon of the 394th Infantry Regiment, 99th Infantry Division, for acts of valor performed by such individuals engaged in combat operations in Lanzerath, Belgium, during the Battle of the Bulge, but the awarding of any such medal is within the sole discretion of the President.

Approved December 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-470 (Comm. on Armed Services).
SENATE REPORT No. 96-422 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Oct. 15, considered and passed House.
  Nov. 30, considered and passed Senate.

Public Law 96-146
96th Congress

An Act

Dec. 14, 1979
[H.R. 4732]

To fix the annual rates of pay for the Architect of the Capitol and the Assistant Architect of the Capitol.

Architect of the Capitol and Assistant Architect of the Capitol, basic pay increase.
40 USC 162a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law—

(1) the compensation of the Architect of the Capitol shall be at an annual rate which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code, and

40 USC 166b.

(2) the compensation of the Assistant Architect of the Capitol shall be at an annual rate which is equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Effective date.
40 USC 162a note.

SEC. 2. The provisions of this Act shall take effect on the first day of the first applicable pay period commencing on or after the date of the enactment of this Act.

Approved December 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-349 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- Sept. 10, considered and passed House.
- Dec. 3, considered and passed Senate.

Public Law 96-147
96th Congress

Joint Resolution

To authorize and request the President to issue a proclamation designating December 18, 1979, "National Unity Day".

Dec. 16, 1979
[H.J. Res. 458]

Whereas an Iranian mob has violated international law by illegally seizing the American Embassy in Tehran; and
Whereas American flags prominently displayed on National Unity Day will symbolize our unity and opposition to international terrorism and blackmail; and
Whereas a nationwide demonstration of public support for the hostages is the only way to counter the student demonstrations that are being orchestrated in Tehran for television audiences around the world: Now, therefore, be it

***Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That December 18, 1979, is designated as "National Unity Day", and the President of the United States is authorized and requested to issue a proclamation calling upon all United States citizens and organizations to observe that day by prominently displaying American flags.**

National Unity Day.
Designation authorization.

Approved December 16, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 11, considered and passed House.
Dec. 13, considered and passed Senate.

Public Law 96-148
96th Congress

An Act

Dec. 16, 1979
[S. 901]

To amend the Clean Water Act of 1977 to extend the moratorium on industrial cost recovery.

Clean Water Act of 1977, amendment.
33 USC 1284 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 75 of the Clean Water Act of 1977 (91 Stat. 1610) is amended by striking "the last day of the eighteenth month which begins after the date of enactment of this section" and inserting in lieu thereof "June 30, 1980".

(b) Subsection (d) of section 75 of the Clean Water Act of 1977 (91 Stat. 1610) is amended by striking "eighteen-month" each place it appears and inserting in lieu thereof in each place "thirty-month".

Effective date.
33 USC 1284 note.

(c) The amendments made by subsections (a) and (b) of this section shall take effect as of June 30, 1979.

Approved December 16, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-305 accompanying H.R. 4023 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-200 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- June 14, considered and passed Senate.
- June 26, H.R. 4023 considered and passed House; passage vacated and S. 901, amended, passed in lieu.
- Nov. 30, Senate concurred in House amendments with an amendment.
- Dec. 3, House concurred in Senate amendment.

Public Law 96-149
96th Congress

An Act

To amend the National Consumer Cooperative Bank Act to provide for a small business representative on the Bank's Board.

Dec. 16, 1979
[S. 1788]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103(a) of the National Consumer Cooperative Bank Act is amended—

National Consumer Cooperative Bank Act, amendment.
92 Stat. 502.
12 USC 3013.

(1) by striking out "thirteen" in the first sentence and inserting in lieu thereof "fifteen";

(2) by striking out "seven" in the third sentence and inserting in lieu thereof "eight";

(3) by inserting after the third sentence the following: "The President shall appoint one member of the Board from among proprietors of small business concerns, as defined under section 3 of the Small Business Act, which are manufacturers or retailers. The member of the Board appointed in accordance with the preceding sentence shall not be subject to the resignation and termination provisions of subsection (b)."; and

15 USC 632.

(4) by striking out "104" in the last sentence.

(b) Section 103(b) is amended—

(1) by striking out the third sentence thereof and inserting in lieu thereof the following: "Two additional members of the Board designated by the President (who shall be members who had been appointed by the President) shall resign at the annual meeting occurring after the time when the amount of paid-in capital attributable to the class B and class C stock equals or exceeds eight-fifteenths of the total amount of paid-in capital of the Bank. An additional member of the Board designated by the President (who shall be a member who had been appointed by the President) shall resign at the annual meeting occurring after the time when the amount of paid-in capital attributable to the class B and class C stock equals or exceeds three-fifths of the total amount of paid-in capital of the Bank.";

(2) by inserting after "Five" in the next to the last sentence "of the".

92 Stat. 502.
12 USC 3013.

(c) Section 103(d) of such Act is amended by striking "all" in the first sentence and inserting after "five" the words "of the".

(d) The second sentence of section 103(h) of such Act is amended by striking out "Until" and inserting in lieu thereof "The member of the Board appointed from among proprietors of small business and, until".

Approved December 16, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-328 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 27, considered and passed Senate.
Dec. 5, considered and passed House.

Public Law 96-150
96th Congress

An Act

To authorize the sale to certain foreign nations of certain excess naval vessels.

Dec. 20, 1979
[H.R. 5163]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 7307 of title 10, United States Code, the Congress approves the sale of fourteen vessels of the United States Navy as follows:

Excess naval vessels, sale to foreign countries.

(1) One tank landing ship of the Suffolk County class, one auxiliary repair drydock of the ARD-12 class, and one small auxiliary floating drydock of the AFDL-35 class, to the Government of Brazil.

(2) One auxiliary repair drydock of the ARD-12 class, to the Government of Colombia.

(3) One auxiliary repair drydock of the ARD-12 class, to the Government of Ecuador.

(4) One dock landing ship of the Cabildo class, to the Government of Greece.

(5) One destroyer tender of the Shenandoah class, to the Government of Indonesia.

(6) One auxiliary repair drydock of the ARD-12 class, to the Government of the Republic of Korea.

(7) One auxiliary repair drydock of the ARD-12 class, to the Government of Mexico.

(8) One auxiliary repair drydock of the ARD-2 class, to the Government of Peru.

(9) One cargo ship of the Kukui class and one small auxiliary floating drydock of the AFDL-35 class, to the Government of the Republic of the Philippines.

(10) Two amphibious transports of the Paul Revere class, to the Government of Spain.

Sec. 2. (a) Any sale of a vessel under the first section of this Act shall be subject to such terms and conditions as the President may require and shall be for a price not less than the value in United States dollars of the vessel involved.

(b) Any expense of the United States in connection with the transfer of a vessel sold under the first section of this Act shall be charged to the Government involved.

Sec. 3. The approval of the Congress under the first section of this Act shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Approved December 20, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-445 (Comm. on Armed Services).
SENATE REPORT No. 96-420 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 25, considered and passed House.
Dec. 6, considered and passed Senate.

Public Law 96-151
96th Congress

An Act

Dec. 20, 1979
[H.R. 3892]

To amend title 38, United States Code, to extend the authorizations of appropriations for certain grant programs and to revise certain provisions regarding such programs, to revise and clarify eligibility for certain health-care benefits, to revise certain provisions relating to the personnel system of the Department of Medicine and Surgery, and to assure that personnel ceilings are allocated to the Veterans' Administration to employ the health-care staff for which funds are appropriated; to require the Veterans' Administration to conduct an epidemiological study regarding veterans exposed to Agent Orange; and for other purposes.

Veterans Health Programs Extension and Improvement Act of 1979.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans Health Programs Extension and Improvement Act of 1979".

(b) Whenever in this Act (except in section 306) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EXTENSION AND IMPROVEMENT OF CERTAIN EXPIRING VETERANS' ADMINISTRATION HEALTH PROGRAMS

GRANTS TO STATE HOME FACILITIES

38 USC 5033.

Sec. 101. (a) Section 5033(a) is amended by striking out "and a like sum for the succeeding fiscal year" and inserting in lieu thereof "a like sum for each of the two succeeding fiscal years, and such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982".

38 USC 641.

(b)(1) Section 641(a) is amended by striking out "$5.50", "$10.50", and "$11.50" and inserting in lieu thereof "$6.35", "$12.10", and "$13.25", respectively.

Effective date.
38 USC 641 note.

(2) The amendments made by paragraph (1) shall take effect on January 1, 1980, but, with respect to fiscal year 1980, shall take effect only to such extent and in such amounts as may be specifically provided for such purpose in appropriation Acts.

EXCHANGE OF MEDICAL INFORMATION

38 USC 5054.

Sec. 102. (a) Section 5054 is amended by adding at the end the following new subsection:

"(c) The Administrator is authorized to enter into agreements with public and nonprofit private institutions, organizations, corporations, and other entities in order to participate in cooperative health-care personnel education programs within the geographical area of any Veterans' Administration health-care facility located in an area remote from major academic health centers.".

38 USC 5055.

(b) Section 5055(c)(1) is amended by inserting "and for each of the three succeeding fiscal years" after "fiscal year 1979".

ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS

SEC. 103. (a) Subsection (b) of section 5070 is amended to read as follows:

38 USC 5070.

"(b) The Administrator may not enter into any agreement under subchapter I of this chapter after September 30, 1979.".

38 USC 5071.

(b)(1) Subsection (a) of section 5082 is amended to read as follows:

Appropriation authorization.
38 USC 5082.

"(a) There is authorized to be appropriated for carrying out programs authorized under this chapter $50,000,000 for the fiscal year ending June 30, 1973; a like sum for each of the six succeeding fiscal years; $15,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; and $30,000,000 for the fiscal year ending September 30, 1982.".

(2) Clause (1) of section 5083(b) is amended by striking out "and will result" and all that follows in such clause through "at such school".

38 USC 5083.

TITLE II—MODIFICATION OF VETERANS HEALTH CARE AND RELATED BENEFITS

BENEFICIARY TRAVEL REIMBURSEMENT

SEC. 201. (a) Section 111(e)(2)(A) is amended by—

38 USC 111.

(1) striking out "based on an annual declaration and certification by such person" and inserting in lieu thereof "pursuant to regulations which the Administrator shall prescribe"; and

(2) striking out "a veteran" and all that follows through "title" and inserting in lieu thereof "a person receiving benefits for or in connection with a service-connected disability under this title, a veteran receiving or eligible to receive pension under section 521 of this title, or a person whose annual income, determined in accordance with section 503 of this title, does not exceed the maximum annual rate of pension which would be payable to such person if such person were eligible for pension under section 521 of this title".

38 USC 521.
38 USC 503.

(b) Section 601 is amended by—

38 USC 601.

(1) striking out "transportation" in paragraph (5)(A) and inserting in lieu thereof "travel";

(2) striking out subclause (ii) of paragraph (5)(C) and inserting in lieu thereof "(ii) travel and incidental expenses for such dependent or survivor under the terms and conditions set forth in section 111 of this title"; and

(3) striking out "necessary expenses of travel and subsistence" in paragraph (6)(B) and inserting in lieu thereof "travel and incidental expenses".

(c) Section 614 is amended by—

38 USC 614.

(1) striking out "necessary travel expenses" in subsection (a) and inserting in lieu thereof "travel and incidental expenses (under the terms and conditions set forth in section 111 of this title)"; and

(2) striking out "all necessary travel expenses" in subsection (b) and inserting in lieu thereof "travel and incidental expenses (under the terms and conditions set forth in section 111 of this title)".

(d) Section 628(a) is amended by striking out "the necessary travel" and inserting in lieu thereof "travel and incidental expenses under the terms and conditions set forth in section 111 of this title".

38 USC 628.

CONTRACT HOSPITAL CARE

38 USC 601.

SEC. 202. Section 601(4)(C)(iii) is amended by—

(1) striking out "hospital care" the second place it appears and inserting in lieu thereof "medical services"; and

(2) inserting "until such time as the veteran can be safely transferred to any such facility" after "of this paragraph".

LIMITATION ON FURNISHING CONTRACT CARE DENTAL TREATMENT

38 USC 612.

SEC. 203. Section 612(b) is amended by adding at the end below the last clause the following new sentence: "The total amount which the Administrator may expend for furnishing, during any twelve-month period, outpatient dental services, treatment, or related dental appliances to a veteran under this section through private facilities for which the Administrator has contracted under clause (i), (ii), or (v) of section 601(4)(C) of this title may not exceed $500 unless the Administrator determines, prior to the furnishing of such services, treatment, or appliances and based on an examination of the veteran by a dentist employed by the Veterans' Administration (or, in an area where no such dentist is available, by a dentist conducting such examination under a contract or fee arrangement), that the furnishing of such services, treatment, or appliances at such cost is reasonably necessary.".

38 USC 601.

HEALTH BENEFITS FOR VETERANS OF MEXICAN BORDER PERIOD AND WORLD WAR I AND FOR CERTAIN SEVERELY DISABLED VETERANS

38 USC 612.

SEC. 204. Section 612(g) is amended by—

(1) striking out "Where any veteran" and inserting in lieu thereof "In the case of any veteran who is a veteran of the Mexican border period or of World War I or who"; and

(2) adding at the end thereof the following new sentence: "The Administrator may also furnish to any such veteran home health services under the terms and conditions set forth in subsection (f) of this section.".

AMENDMENTS TO CHAMPVA PROGRAM

38 USC 613.

SEC. 205. (a)(1) Section 613(a) is amended by—

(A) striking out "wife" in clause (1) and inserting in lieu thereof "spouse";

(B) striking out "and" at the end of clause (1);

(C) striking out "widow" in clause (2) and inserting in lieu thereof "surviving spouse";

(D) inserting "and" at the end of clause (2); and

(E) inserting after clause (2) the following new clause:

"(3) the surviving spouse or child of a person who died in the active military, naval, or air service in the line of duty and not due to such person's own misconduct,".

(2) Section 613 is further amended by adding at the end the following new subsection:

"(c) For the purposes of this section, a child between the ages of eighteen and twenty-three (1) who is eligible for benefits under subsection (a) of this section, (2) who is pursuing a full-time course of instruction at an educational institution approved under chapter 36 of this title, and (3) who, while pursuing such course of instruction, incurs a disabling illness or injury (including a disabling illness or injury incurred between terms, semesters, or quarters or during a

38 USC 1770 *et seq.*

vacation or holiday period) which is not the result of such child's own willful misconduct and which results in such child's inability to continue or resume such child's chosen program of education at an approved educational institution shall remain eligible for benefits under this section until the end of the six-month period beginning on the date the disability is removed, the end of the two-year period beginning on the date of the onset of the disability, or the twenty-third birthday of the child, whichever occurs first.".

Effective date. 38 USC 613 note.

(b) The amendments made by subsection (a) shall take effect with respect to fiscal year 1980 only to such extent and for such amounts as may be specifically provided for such purpose in appropriation Acts.

EFFECTIVE DATE

38 USC 111 note.

Sec. 206. Except as otherwise provided in section 205(b), the amendments made by this title shall take effect on January 1, 1980.

TITLE III—VETERANS' ADMINISTRATION MEDICAL PERSONNEL AMENDMENTS AND MISCELLANEOUS PROVISIONS

MEDICAL PERSONNEL STAFFING LEVELS

38 USC 5010.

Sec. 301. (a) Section 5010(a) is amended by adding at the end the following new paragraph:

"(4)(A) With respect to each law making appropriations for the Veterans' Administration, there shall be provided to the Veterans' Administration the funded personnel ceiling defined in subparagraph (D) of this paragraph and the funds appropriated therefor.

Certification to congressional committees and Comptroller General.

"(B) In order to carry out the provisions of subparagraph (A) of this paragraph, the Director of the Office of Management and Budget shall, with respect to each such law (i) provide to the Veterans' Administration for the fiscal year concerned such funded personnel ceiling and the funds necessary to achieve such ceiling, and (ii) submit to the appropriate committees of the Congress and to the Comptroller General of the United States certification that the Director has so provided such ceiling. Not later than the thirtieth day after the enactment of such a law or, in the event of the enactment of such a law more than thirty days prior to the fiscal year for which such law makes such appropriations, not later than the tenth day of such fiscal year, the certification required in the first sentence of this subparagraph shall be submitted, together with a report containing complete information on the personnel ceiling that the Director has provided to the Veterans' Administration for the employees described in subparagraph (D) of this paragraph.

Report to congressional committees.

"(C) Not later than the forty-fifth day after the enactment of each such law, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director of the Office of Management and Budget has complied with the requirements of such subparagraph in providing to the Veterans' Administration such funded personnel ceiling.

"Funded personnel ceiling."

"(D) For the purposes of this paragraph, the term 'funded personnel ceiling' means, with respect to any fiscal year, the authorization by the Director of the Office of Management and Budget to employ (under the appropriation accounts for medical care, medical and prosthetic research, and medical administration and miscellaneous operating expenses) not less than the number of employees for the employment of which appropriations have been made for such fiscal year.".

Effective date.
38 USC 5010 note.
Ante, p. 771.
Ante, p. 1095.

(b) The amendment made by subsection (a) shall take effect with respect to Public Law 96-103, but, with respect to such Public Law, the certification and report required by subparagraph (B) of paragraph (4) of section 5010 of title 38, United States Code (as added by such amendment), and the report required by subparagraph (C) of such paragraph (as added by such amendment) shall be submitted to the appropriate committees of the Congress not later than January 15, 1980, and February 1, 1980, respectively.

QUALIFICATIONS OF CERTAIN HEALTH PROFESSIONALS EMPLOYED IN THE DEPARTMENT OF MEDICINE AND SURGERY

38 USC 4104.

SEC. 302. (a) Section 4104(2) is amended by inserting "psychologists," after "Pharmacists,".

38 USC 4105.

(b)(1) Subsection (a) of section 4105 is amended by—

(A) striking out the period at the end of clause (9) and inserting in lieu thereof a semicolon; and

(B) adding at the end the following new clause:

"(10) Psychologist—

"hold a doctoral degree in psychology from a college or university approved by the Administrator, have completed study for such degree in a specialty area of psychology and an internship which are satisfactory to the Administrator, and be licensed or certified as a psychologist in a State, except that the Administrator may waive the requirement of licensure or certification for an individual psychologist for a period not to exceed two years on the condition that such psychologist provide patient care only under the direct supervision of a psychologist who is so licensed or certified.".

(2) Subsection (b) of such section is amended by inserting "podiatrist, optometrist," after "dentist,".

38 USC 4105 note.

(c) The amendment made by subsection (b)(1) to require that a psychologist appointed to a position in the Department of Medicine and Surgery of the Veterans' Administration be licensed or certified as a psychologist in a State shall not apply to any person employed as a psychologist by the Veterans' Administration on or before December 31, 1979.

REDUCTION OF PROBATIONARY PERIOD FOR CERTAIN HEALTH PROFESSIONALS EMPLOYED IN THE DEPARTMENT OF MEDICINE AND SURGERY

38 USC 4106.

SEC. 303. Section 4106(b) is amended by striking out "three years" and inserting in lieu thereof "two years".

COOPERATIVE USE AGREEMENTS FOR SPECIALIZED MEDICAL RESOURCES

38 USC 5053.

SEC. 304. Section 5053(a) is amended by inserting "or organ banks, blood banks, or similar institutions" after "facilities".

SPECIAL MEDICAL ADVISORY GROUP AMENDMENTS

38 USC 4112.

SEC. 305. Section 4112(a) is amended by—

(1) inserting in the first sentence "and a disabled veteran" after "professions"; and

Report to Administrator and Congress.

(2) inserting in the second sentence "and, not later than February 1 of each year, shall submit to the Administrator and

the Congress a report on its activities during the preceding fiscal year" after "Administrator".

TECHNICAL AMENDMENT

38 USC 314 note.

Ante, p. 987.

SEC. 306. (a) Section 601(a)(2) of the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 (Public Law 96-128) is amended by striking out "clause (1)" and inserting in lieu thereof "clause (11)".

Effective date.
38 USC 314 note.

(b) The amendment made by subsection (a) shall take effect as of November 28, 1979.

AGENT ORANGE STUDY

38 USC 219 note.

SEC. 307. (a)(1) The Administrator of Veterans' Affairs shall design a protocol for and conduct an epidemiological study of persons who, while serving in the Armed Forces of the United States during the period of the Vietnam conflict, were exposed to any of the class of chemicals known as "the dioxins" produced during the manufacture of the various phenoxy herbicides (including the herbicide known as "Agent Orange") to determine if there may be long-term adverse health effects in such persons from such exposure. The Administrator shall also conduct a comprehensive review and scientific analysis of the literature covering other studies relating to whether there may be long-term adverse health effects in humans from exposure to such dioxins or other dioxins.

(2)(A)(i) The study conducted pursuant to paragraph (1) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(ii) The Director shall monitor the conduct of such study in order to assure compliance with such protocol.

Reports to congressional committees.

(B)(i) Concurrent with the approval or disapproval of any protocol under subparagraph (A)(i), the Director of the Office of Technology Assessment shall submit to the appropriate committees of the Congress a report explaining the basis for the Director's action in approving or disapproving such protocol and providing the Director's conclusions regarding the scientific validity and objectivity of such protocol.

(ii) In the event that the Director has not approved such protocol during the one hundred and eighty days following the date of the enactment of this Act, the Director shall (I) submit to the appropriate committees of the Congress a report describing the reasons why the Director has not given such approval, and (II) submit an update report on such initial report each sixty days thereafter until such protocol is approved.

(C) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in the second sentence of this subparagraph, a report on the Director's monitoring of the conduct of such study pursuant to subparagraph (A)(ii). A report under the preceding sentence shall be submitted before the end of the six-month period beginning on the date of the approval of such protocol by the Director, before the end of the twelve-month period beginning on such date, and annually thereafter until such study is completed or terminated.

(3) The study conducted pursuant to paragraph (1) shall be continued for as long after the submission of the report under subsection (b)(2) as the Administrator may determine reasonable in light of the possibility of developing through such study significant new information on the long-term adverse health effects of exposure to dioxins.

Reports to congressional committees.

(b)(1) Not later than twelve months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the literature review and analysis conducted under subsection (a)(1).

(2) Not later than twenty-four months after the date of the approval of the protocol pursuant to subsection (a)(2)(A)(i) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing (A) a description of the results thus far obtained under the study conducted pursuant to such subsection, and (B) such comments and recommendations as the Administrator considers appropriate in light of such results.

Coordination of studies.

(c) For the purpose of assuring that any study carried out by the Federal Government with respect to the adverse health effects in humans of exposure to dioxins is scientifically valid and is conducted with efficiency and objectivity, the President shall assure that—

(1) the study conducted pursuant to subsection (a) is fully coordinated with studies which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans of exposure to dioxins; and

(2) all appropriate coordination and consultation is accomplished between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of the study carried out pursuant to subsection (a), in the design, conduct, monitoring, or evaluation of such dioxin-exposure studies.

Appropriation authorization.

(d) There are authorized to be appropriated such sums as may be necessary for the conduct of the study required by subsection (a).

Approved December 20, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-138 (Comm. on Veterans' Affairs).
SENATE REPORT No. 96-177 accompanying S. 1039 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 21, considered and passed House.
  June 18, considered and passed Senate, amended, in lieu of S. 1039.
  Dec. 6, House concurred in Senate amendments with amendments; Senate concurred in House amendments.

Public Law 96-152
96th Congress

An Act

To establish by law the position of Chief of the Capitol Police, and for other purposes.

Dec. 20, 1979
[H.R. 5651]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1821 of the Revised Statutes of the United States (40 U.S.C. 206) is amended by adding at the end thereof the following new sentence: "The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.".

Capitol Police Chief, position establishment.

(b) The individual serving as Chief of the Capitol Police on the effective date of this Act shall be deemed, effective on such date, to be appointed to the position established by the amendment made by subsection (a).

(c) The Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

40 USC 206-1.

SEC. 2. (a) Any member of the Metropolitan Police force detailed to the Capitol Police (other than the individual referred to in subsection (b) of the first section)—

Transfers between Metropolitan Police force and Capitol Police.

(1) who on August 31, 1980, has completed 20 years or more of police service shall be reassigned to the Metropolitan Police force effective October 1, 1980, unless during the 30-day period beginning on September 1, 1980, such member makes an election under subsection (b); or

(2) who after August 31, 1980, completes 20 years of police service shall be reassigned to the Metropolitan Police force effective at the end of the 30-day period beginning on the date of such completion, unless, during such period, such member makes an election under subsection (b).

(b)(1) A member of the Metropolitan Police force described in subsection (a) may elect to transfer to the Capitol Police with the rank, pay, and seniority that are most nearly equivalent to the rank, pay, and seniority of such member on the day before the date of such transfer, as determined by the Capitol Police Board.

(2) A transfer to the Capitol Police under this subsection shall be effective on the date on which the electing member would have been reassigned to the Metropolitan Police force but for the election by such member under paragraph (1).

(3) An election under paragraph (1) shall be made in writing to the Chairman of the Capitol Police Board in such form and manner as may be prescribed by the Board.

(c) In each case in which a member of the Metropolitan Police force transfers to the Capitol Police under subsection (b), the position occupied by such member immediately before the effective date of such transfer shall, beginning on such date, be a position on the rolls of the Capitol Police for the purpose of providing for the assimilation of such member.

SEC. 3. (a) Any police service—

(1) of the individual referred to in subsection (b) of the first section shall be treated, effective on the effective date of this Act; and

(2) of a member of the Metropolitan Police force transferred to the Capitol Police under section 2(b) shall be treated, effective on the effective date of such transfer;

as creditable service as a congressional employee for purposes of determining eligibility for, and the amount of, an annuity under subchapter III of chapter 83 of title 5, United States Code.

5 USC 8331.

(b) Effective on the date on which police service is first treated as creditable service as a congressional employee under subsection (a), the individual or member involved shall forfeit all annuity rights under the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-521 et seq.).

Sec. 4. (a) An amount equal to the total amount of—

(1) deductions and withholdings from pay for retirement under the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-521 et seq.) for police service treated as creditable service as a congressional employee under section 3; and

(2) sums paid by the Congress to the District of Columbia as a retirement contribution for any such police service performed while detailed to the Capitol Police;

shall be paid by the Mayor of the District of Columbia into the Treasury to the credit of the Civil Service Retirement and Disability Fund. For purposes of section 8334(c) of title 5, United States Code, such payment shall constitute the required deposit for police service treated as creditable service as a congressional employee under section 3.

(b) Payments into the Treasury required by subsection (a) shall be made not later than the date on which police service is first treated as creditable service as a congressional employee under section 3 with respect to the individual or member involved.

Sec. 5. As used in this Act—

"Metropolitan Police force."

(1) the term "Metropolitan Police force" means the Metropolitan Police force of the District of Columbia; and

"Police service."

(2) the term "police service" means creditable service under subdivision (c) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-523).

Funding.

Sec. 6. Until otherwise provided by law, the contingent fund of the House of Representatives shall be available to carry out this Act.

Effective date.
40 USC 206 note.

Sec. 7. This Act shall take effect on the first day of the second month after the month in which this Act is enacted.

Approved December 20, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-581 (Comm. on House Administration).
SENATE REPORT No. 96-436 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 8, considered and passed House.
Dec. 6, considered and passed Senate.

Public Law 96-153
96th Congress

An Act

To amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

Dec. 21, 1979
[H.R. 3875]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Community Development Amendments of 1979".

Housing and Community Development Amendments of 1979.
42 USC 5301 note.

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATION

REHABILITATION LOANS

SEC. 101. (a) Section 312(d) of the Housing Act of 1964 is amended—

42 USC 1452b.

(1) by striking out "and not to exceed $245,000,000 for the fiscal year beginning on October 1, 1978" in the first sentence and inserting in lieu thereof "not to exceed $245,000,000 for the fiscal year beginning on October 1, 1978, and not to exceed $140,000,000 for the fiscal year beginning on October 1, 1979"; and

(2) by adding at the end thereof the following new sentence: "Of the amounts available for loans under this section during any fiscal year beginning on or after October 1, 1979, the Secretary may utilize not more than $75,000,000 for rehabilitation loans for multifamily properties.".

Multifamily properties.

(b) Section 312(h) of such Act is amended—

(1) by striking out "November 30, 1979" and inserting in lieu thereof "September 30, 1980"; and

(2) by striking out "December 1, 1979" and inserting in lieu thereof "October 1, 1980".

(c) Subsections (i) and (j) of section 312 of such Act, as added by section 101(b) of the Housing and Community Development Amendments of 1978, are redesignated as subsections (j) and (k), respectively.

92 Stat. 2081.
42 USC 1452b.

COMPREHENSIVE PLANNING

SEC. 102. The second sentence of section 701(e) of the Housing Act of 1954 is amended by striking out "and not to exceed $57,000,000 for the fiscal year 1979" and inserting in lieu thereof "not to exceed $57,000,000 for the fiscal year 1979, and not to exceed $50,000,000 for the fiscal year 1980".

40 USC 461.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SEC. 103. (a) Section 103(c) of the Housing and Community Development Act of 1974 is amended by striking out "a sum not in excess of $400,000,000 for supplemental grant assistance under section 119 for each of the fiscal years 1978, 1979, and 1980" and inserting in lieu thereof "for supplemental grant assistance under section 119 a sum

42 USC 5303.
42 USC 5318.

not to exceed $400,000,000 for each of the fiscal years 1978 and 1979, and not to exceed $675,000,000 for the fiscal year 1980".

42 USC 5303.

(b) Section 103(a)(2) of the Housing and Community Development Act of 1974 is amended by striking out "$250,000,000 for the fiscal year 1980" and inserting in lieu thereof "$275,000,000 for the fiscal year 1980".

42 USC 5304.
Waiver.

(c) Section 104(b)(3) of such Act is amended to read as follows:

"(3) The Secretary may waive all or part of the requirements contained in paragraphs (1), (2), and (3) of subsection (a) if (A) the application does not involve a comprehensive community development program, as determined by the Secretary, and (B) the Secretary determines that, considering the nature of the activity to be carried out, such waiver is not inconsistent with the purposes of this title.".

42 USC 5306.

(d) Section 106(m) of such Act is amended by striking out "or fiscal year 1979" and inserting in lieu thereof ", fiscal year 1979, or fiscal year 1980".

Urban county, computation of funds.

(e) Section 106(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) In computing amounts under this section with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if the part of such unit of local government which is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section, and if the part of such unit of local government which is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section. Any amount received by such urban county under this section may be used with respect to the part of such unit of local government which is outside the boundaries of such urban county.".

42 USC 5302.

(f) Section 102(a)(1) of such Act is amended by inserting "the Northern Mariana Islands," after "Guam,".

42 USC 5304.

(g) Section 104(h) of such Act is amended—

(1) by inserting in the first sentence of paragraph (1)—

42 USC 4321 note.

(A) after "National Environmental Policy Act of 1969" the following: "and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary)"; and

(B) after "such Act" the following: ", and such other provisions of law as the regulations of the Secretary specify,";

(2) by inserting in the second sentence of paragraph (2) after "National Environmental Policy Act" the following: "of 1969 and such other provisions of law as the regulations of the Secretary specify"; and

(3) by inserting in paragraph (3)(D)(i)—

(A) after "National Environmental Policy Act of 1969" the following: "and each provision of law specified in regulations issued by the Secretary"; and

(B) after "such Act" the following: "or other such provision of law".

POCKETS OF POVERTY

42 USC 5318.

SEC. 104. (a) Section 119(b) of the Housing and Community Development Act of 1974 is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following:

City or urban county, eligibility requirements for grants.

"(2) A city or urban county which fails to meet the minimum standards established pursuant to paragraph (1) shall be eligible for assistance under this section if it meets the requirements of the first sentence of paragraph (1), and—

"(A) in the case of a city with a population of fifty thousand persons or more or an urban county, contains an area (i) composed of one or more contiguous census tracts, enumeration districts, or block groups, as defined by the United States Bureau of Census, having at least a population of ten thousand persons or 10 per centum of the population of the city or urban county, (ii) in which at least 70 per centum of the residents have incomes below 80 per centum of the median income of such city or urban county, and (iii) in which at least 30 per centum of the residents have incomes of below the national poverty level; or

"(B) in the case of a city with a population of less than fifty thousand persons, contains an area (i) composed of one or more contiguous census tracts, enumeration districts, or block groups or other areas defined by the United States Bureau of Census or for which data certified by the United States Bureau of Census are available having at least a population of two thousand and five hundred persons or 10 per centum of the population of such city, whichever is greater, (ii) in which at least 70 per centum of the residents have incomes below 80 per centum of the median income for such city, and (iii) in which at least 30 per centum of the residents have incomes of below the national poverty level.

The Secretary shall utilize up to, but not more than, 20 per centum of the funds appropriated for use in any fiscal year under this section for the purpose of making grants to cities and urban counties eligible under this paragraph.".

42 USC 5318.

(b) Section 119(e) of such Act is amended—

(1) by striking out "In" after "(e)" and inserting in lieu thereof "(1) Except in the case of a city or urban county eligible under subsection (b)(2), in";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C); and

(3) by adding at the end thereof the following:

"(2) For the purpose of making grants with respect to areas described in subsection (b)(2), the Secretary shall establish selection criteria, which must include (A) factors determined to be relevant by the Secretary in assessing the comparative degree of physical and economic deterioration among eligible areas, and (B) such other criteria as the Secretary may determine, including at a minimum the criteria listed in clause (C) of paragraph (1) of this subsection.

"(3) The Secretary may not approve any grant to a city or urban county eligible under subsection (b)(2) unless—

"(A) the grant will be utilized in connection with a project located in an area described in subsection (b)(2), except that the Secretary may waive this requirement where the Secretary determines (i) that there is no suitable site for the project within such area, (ii) the project will be located directly adjacent to such area, and (iii) the project will substantially contribute to the physical and economic development of such area;

"(B) the city or urban county has demonstrated to the satisfaction of the Secretary that basic services supplied by the city or urban county to the area described in subsection (b)(2) are at least equivalent, as measured by per capita expenditures, to those supplied to other areas within the city or urban county which are similar in population size and physical characteristics and which have median incomes above the median income for the city or urban county;

"(C) the grant will be utilized in connection with a project which will directly benefit the low- and moderate-income families and individuals residing in the area described in subsection (b)(2); and

"(D) the city or urban county makes available, from its own funds or from funds received from the State or under any Federal program which permits the use of financial assistance to meet the non-Federal share requirements of Federal grant-in-aid programs, an amount equal to 20 per centum of the grant to be available pursuant to this section to be used in carrying out the activities described in the application.".

URBAN DEVELOPMENT ACTION GRANT PROGRAM

42 USC 5318.

SEC. 105. Section 119 of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"(l) A grant may be made under this section only where the Secretary determines that there is a strong probability that the non-Federal investment in the project would not be made without such grant and where the Secretary determines that there is a strong probability that the grant would not substitute for non-Federal funds which are otherwise available to the project.

"(m) For purposes of carrying out this section, the Secretary may reduce or waive the requirement, as described in section 102(a)(5)(B)(ii) and applied to recipients of community development grants, that a town or township be closely settled.".

URBAN HOMESTEADING AMENDMENT

12 USC 1706e.

SEC. 106. Section 810 of the Housing and Community Development Act of 1974 is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g)(1) The Secretary is authorized to reimburse the Administrator of Veterans' Affairs, in an amount to be agreed upon by the Secretary and the Administrator, for property which the Administrator conveys to a unit of general local government, State, or agency for use in connection with an urban homesteading program approved by the Secretary.

"(2) The Secretary is authorized to reimburse the Secretary of Agriculture, in an amount to be agreed upon by the Secretary and the Secretary of Agriculture, for property which the Secretary of Agriculture conveys to a unit of general local government, State, or agency for use in connection with an urban homesteading program approved by the Secretary.".

NEIGHBORHOOD SELF-HELP DEVELOPMENT

92 Stat. 2121.
42 USC 8124.

SEC. 107. (a) Section 705 of the Housing and Community Development Amendments of 1978 is amended by striking out "$15,000,000" and inserting in lieu thereof "$13,500,000".

92 Stat. 2120.
42 USC 8123.

(b) Section 704(d) of such Act is amended by inserting before the period at the end thereof the following: ", except that the Secretary may make such grants and other forms of assistance available without such certification if such assistance is made available for the demonstration of innovative means of assisting in neighborhood conservation and revitalization, but not more than 10 per centum of assistance made available under this title in any fiscal year shall be made available without such certification".

LIVABLE CITIES

Sec. 108. Section 807 of the Housing and Community Development Amendments of 1978 is amended by striking out "$10,000,000" and inserting in lieu thereof "$5,000,000".

92 Stat. 2124.
42 USC 8146.

REVIEW OF EFFECTS OF RENTAL [illegible]ERSIONS

Sec. 109. (a) Section 104(a)(4)(A) of the Housing and Community Development Act of 1974 is amended by inserting before the comma at the end thereof the following: ", including the impact of conversion of rental housing to condominium or cooperative ownership on such needs".

42 USC 5304.

(b) Not later than six months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress concerning the conversion of rental housing to condominium or cooperative ownership. Such report shall at least include—

Report to Congress.
42 USC 5304 note.

(1) an estimate of the number of such conversions which have occurred since 1970;

(2) a projection of the number of such conversions estimated to occur during the period 1980 through 1985;

(3) an assessment of the impact that such conversions have had or are likely to have on the availability of housing for lower income persons;

(4) an assessment of the extent to which such conversions are concentrated in certain areas or types of areas of the country; and

(5) an assessment of the factors contributing to the increase in such conversions.

The Secretary may also include in such report recommendations concerning alternative means to minimize the adverse impact that such conversions may have on lower income persons.

Recommendations to Congress.

TITLE II—HOUSING ASSISTANCE PROGRAMS

LOW-INCOME HOUSING

Sec. 201. (a) The first sentence of section 5(c) of the United States Housing Act of 1937 is amended—

42 USC 1437c.

(1) by striking out "and" immediately after "October 1, 1977,"; and

(2) by inserting immediately after "on October 1, 1978" the following: ", and by $1,140,661,000 on October 1, 1979,".

(b) Section 5(c) of such Act is amended by inserting the following after the third sentence: "Of the additional authority authorized by the first sentence of this subsection on October 1, 1979, not more than $195,053,000 is authorized to be approved in appropriation Acts for units assisted under this Act other than under section 8 (not less than $50,000,000 of which is authorized to be so approved for modernization of such units with a preference being given to the modernization of substandard vacant units). In no case may the Secretary, with respect to the additional authority made available on October 1, 1979, enter into annual contributions contracts aggregating more than $195,053,000 for units assisted under this Act other than under section 8.".

42 USC 1437f.

42 USC 1437g.

(c) Section 9(c) of such Act is amended—

(1) by striking out "and" immediately after "on or after October 1, 1977,"; and

(2) by inserting immediately before the period at the end thereof the following: ", and not to exceed $741,500,000 on or after October 1, 1979".

AMOUNT OF TENANT CONTRIBUTION FOR RENTAL PAYMENTS

42 USC 1437a.

Sec. 202. (a) Section 3(1) of the United States Housing Act of 1937 is amended by striking out the third sentence and inserting in lieu thereof the following: "The rental for any dwelling unit shall not exceed that portion of the resident family's income which the Secretary establishes on the basis of the relative level of income of the family, but such rental shall not exceed 25 per centum of family income in the case of a very low income family or, in the case of other families, 30 per centum of such income.".

42 USC 1437f.

(b) Section 8(c)(3) of such Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "The amount of the monthly assistance payment with respect to any dwelling unit shall be the difference between the maximum monthly rent which the contract provides that the owner is to receive for the unit and a portion of one-twelfth of the resident family's income which the Secretary establishes on the basis of the relative level of income of the family and on the basis of such other factors as the number of minor children in the household and the extent of medical and other unusual expenses incurred by the family. In carrying out the previous sentence, the Secretary shall provide that—

"(A) in the case of a very low income family, the amount of such assistance payment shall be the difference between such rent and not less than 15 per centum but not more than 25 per centum of such family income, taking into consideration such relative level of income and such other factors;

"(B) in the case of a large very low income family or a lower income family with exceptional medical or other expenses, as determined by the Secretary, the amount of such assistance payment shall be the difference between such rent and 15 per centum of such family income;

"(C) in the case of a very large lower-income family, the amount of such assistance payment shall be the difference between such rent and 20 per centum of such family income; and

"(D) in the case of other families, the amount of such assistance payment shall be the difference between such rent and not less than 20 per centum but not more than 30 per centum of such family income, taking into consideration such relative level of income and such other factors.".

Effective date.
42 USC 1437a note.

42 USC 1437 note.

(c) The amendments made by subsections (a) and (b) shall become effective on January 1, 1980, except that the amount of the tenant contribution required of families whose occupancy of housing units assisted under the United States Housing Act of 1937 commenced prior to such date shall be determined in accordance with the provisions of such Act in effect on December 31, 1979, so long as such occupancy is continuous thereafter.

SECTION 101 RENT SUPPLEMENT AND SECTION 236 INCOME DEFINITIONS

12 USC 1701s.

Sec. 203. (a) Section 101 of the Housing and Urban Development Act of 1965 is amended—

(1) by striking out the first sentence of subsection (c) and inserting in lieu thereof the following new sentence: "As used in this section, the term—

"Qualified tenant."

42 USC 1437f.

"(1) 'qualified tenant' means any individual or family having an income which would qualify such individual or family for assistance under section 8 of the United States Housing Act of 1937, except that such term shall also include any individual or family who was receiving assistance under this section on the day preceding the date of the enactment of the Housing and Community Development Amendments of 1979, so long as such individual or family continues to meet the conditions for such assistance which were in effect on such day; and

"Income."

"(2) 'income' means income as determined under section 8 of the United States Housing Act of 1937.";

(2) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The amount of the annual payment with respect to any dwelling unit shall not exceed the amount by which the fair market rental for such unit exceeds one-fourth of the tenant's income as determined by the Secretary pursuant to procedures and regulations established by the Secretary. Notwithstanding the preceding sentence, the amount of the payment made under any contract amended pursuant to subsection (l) with respect to any dwelling unit assisted under this section shall be determined in the same manner as it would be determined under section 8 of the United States Housing Act of 1937 if the tenant on whose behalf such payment is made were receiving assistance with respect to such unit under section 8 of such Act.";

(3) by striking out subsection (e)(1)(B) and inserting in lieu thereof the following:

"(B) whether the individual or family was occupying substandard housing or was involuntarily displaced at the time it was seeking assistance under this section."; and

(4) by adding the following new subsections at the end thereof:

"(k) In making assistance available under this section, the Secretary shall give priority to individuals or families who are occupying substandard housing or are involuntarily displaced at the time they are seeking housing assistance under this section.

Ante, p. 1105.

"(l) The Secretary may offer to amend each contract entered into pursuant to this section for the purpose of making such contract contain such terms and conditions as the Secretary deems necessary to implement the amendments made to this section by the Housing and Community Development Amendments of 1979. Notwithstanding the provisions of subsection (a) and any other provision of law, the Secretary may utilize additional authority under section 5(c) of the United States Housing Act of 1937 made available by appropriation Acts on or after October 1, 1979, in order to carry out any changes in contracts as a result of the preceding sentence to the extent necessary to supplement assistance authority available for that purpose under this section.".

"Income."
12 USC 1715z-1.

(b) Section 236(m) of the National Housing Act is amended to read as follows:

"(m) For the purpose of this section, the term 'income' means income as determined under section 8 of the United States Housing Act of 1937.".

Effective date.
12 USC 1701s note.

(c) The amendments made by subsections (a) and (b) shall become effective on the date of enactment of this Act. The maximum tenant contribution applicable to any family whose occupancy of housing

12 USC 1701s, 1715z-1.

assisted under section 101 of the Housing and Urban Development Act of 1965 or section 236 of the National Housing Act commenced prior to such date shall not exceed the maximum tenant contribution which would have been applicable under such section, as it was in effect on the day preceding the date of enactment of this Act, so long as such occupancy is continuous thereafter.

SECTION 213 ALLOCATION REQUIREMENTS

42 USC 1439.

42 USC 1437 note.

SEC. 204. (a) Section 213(d)(1) of the Housing and Community Development Act of 1974 is amended by inserting after "In allocating financial assistance" in the first sentence the following: "(other than assistance approved in appropriation Acts for use on and after October 1, 1979, under the United States Housing Act of 1937 for the purpose of modernization of low-income housing projects)".

(b) Section 213(d)(1) of such Act is amended by inserting before the last sentence the following: "Any amounts allocated to a State or to areas or communities within a State which are not likely to be utilized within a fiscal year shall not be reallocated for use in another State unless the Secretary determines that other areas or communities within the same State cannot utilize the amounts in accordance with the appropriate housing assistance plans within that fiscal year.".

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

92 Stat. 2084. 12 USC 1715z-1a.

SEC. 205. (a) The first sentence of section 201(h) of the Housing and Community Development Amendments of 1978 is amended by inserting immediately before the period at the end thereof the following: ", and not to exceed $82,000,000 for the fiscal year 1980".

12 USC 1715z-1.

(b) Section 236(f)(3)(B) of the National Housing Act is amended—

(1) by inserting immediately after "October 1, 1978," in the first sentence the following: "or credited to such fund prior to October 1, 1978, but remaining unobligated on October 31, 1978,"; and

(2) by striking out "September 30, 1979" in the third sentence and inserting in lieu thereof "September 30, 1980".

TENANT SELECTION CRITERIA

42 USC 1437d.

SEC. 206. (a) Section 6(c)(4)(A) of the United States Housing Act of 1937 is amended by inserting after "tenant selection criteria" the following: "which gives preference to families which occupy substandard housing or are involuntarily displaced at the time they are seeking assistance under this Act and which is".

42 USC 1437f.

(b)(1) Section 8(d)(1)(A) of such Act is amended by inserting before the semicolon at the end thereof the following: ", except that the tenant selection criteria used by the owner shall give preference to families which occupy substandard housing or are involuntarily displaced at the time they are seeking assistance under this section".

(2) Section 8(e)(2) of such Act is amended by inserting before the period at the end of the first sentence the following: ", except that the tenant selection criteria shall give preference to families which occupy substandard housing or are involuntarily displaced at the time they are seeking housing assistance under this section".

DISTRIBUTION OF SECTION 9 OPERATING SUBSIDIES

SEC. 207. Section 9 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end thereof: 42 USC 1437g.

"(d) If, in any fiscal year beginning after September 30, 1979, any funds which have been appropriated for such year remain after applying the provisions of the second and fourth sentences of subsection (a)(1), the Secretary shall distribute such funds to low-income housing projects which incurred excessive costs which were beyond their control and the full extent of which was not taken into account in the original distribution of funds for such fiscal year.".

DISPLACED TENANTS IN A HUD-OWNED PROJECT

SEC. 208. Section 203(d)(2) of the Housing and Community Development Amendments of 1978 is amended by striking out "The Secretary shall seek to assure the maximum opportunity for any such tenant—" and inserting in lieu thereof the following: "The Secretary shall assure for any such tenant (who continues to meet applicable qualification standards) the right—". 92 Stat. 2088. 12 USC 1701z-11.

ENERGY CONSERVATION

SEC. 209. The United States Housing Act of 1937 is amended by adding at the end thereof the following new section:

"ENERGY CONSERVATION

"SEC. 13. (a) In utilizing contract authority which is provided by section 5(c) and has been approved in appropriation Acts for use in the modernization of low-income housing projects (other than projects assisted under section 8) on or after October 1, 1979, the Secretary shall, to the maximum extent practicable, also take into consideration projects which will be modernized to a substantial extent with weatherization materials as defined in section 412(9) of the Energy Conservation in Existing Buildings Act of 1976. 42 USC 1437k. 42 USC 6862.

"(b) The Secretary shall, to the maximum extent practicable, require that newly constructed and substantially rehabilitated projects assisted under this Act with authority provided on or after October 1, 1979, shall be equipped with heating and cooling systems selected on the basis of criteria which include a life-cycle cost analysis of such systems."

VERIFICATION OF INCOME

SEC. 210. Section 8 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new subsection: 42 USC 1437f.

"(k) The Secretary shall establish procedures which are appropriate and necessary to assure that income data provided to public housing agencies and owners by families applying for or receiving assistance under this section is complete and accurate. In establishing such procedures, the Secretary shall randomly, regularly, and periodically select a sample of families to authorize the Secretary to obtain information on these families for the purpose of income verification, or to allow those families to provide such information themselves. Such information may include, but is not limited to, data concerning unemployment compensation and Federal income taxation and data relating to benefits made available under the Social Security Act, the Food Stamp Act of 1977, or title 38, United States 42 USC 1305. 7 USC 2011 note.

Code. Any such information received pursuant to this subsection shall remain confidential and shall be used only for the purpose of verifying incomes in order to determine eligibility of families for benefits (and the amount of such benefits, if any) under this section.".

PRESERVATION OF LOW-INCOME CHARACTER OF ASSISTED HOUSING

42 USC 1437g.

SEC. 211. (a) Section 9(a) of the United States Housing Act of 1937 is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out "(1)" and "(2)" in the second sentence and inserting in lieu thereof "(A)" and "(B)";

(3) by inserting the following before the period at the end of the third sentence: ", and such contract shall provide that no disposition of the low-income housing project, with respect to which the contract is entered into, shall occur during and for ten years after the period when contributions were made pursuant to such contract unless approved by the Secretary"; and

(4) by adding the following new paragraph at the end thereof:

"(2) The Secretary may not make assistance available under this section for any low-income housing project unless such project is being assisted by an annual contributions contract authorized by section 5(c) but not subject to section 8, except that after the duration of any such annual contributions contract with respect to a low-income housing project, the Secretary may provide assistance under this section with respect to such project as long as the low-income nature of such project is maintained.".

Ante, p. 1105, 1109.

42 USC 1437f.

(b) The first sentence of section 8(e)(1) of such Act is amended by striking out "one month" and inserting in lieu thereof "two hundred and forty months".

(c) Section 201(d)(1) of the Housing and Community Development Amendments of 1978 is amended by inserting the following before the semicolon at the end thereof: ", and the owner has agreed to maintain the low- and moderate-income character of such project for a period at least equal to the remaining term of the project mortgage".

92 Stat. 2084.
12 USC 1715z-1a.

RENT STUDIES

42 USC 1437f note.

SEC. 212. (a) The Secretary of Housing and Urban Development shall conduct a study of the feasibility and financial desirability of requiring minimum rent payments from tenants in low-income housing assisted under the United States Housing Act of 1937. The study shall examine (1) the extent to which tenants in such housing are not required to or do not pay rent, (2) the incentives for greater tenant care of such housing which minimum rents may create, (3) the administrative costs of assessing and collecting minimum rents, and (4) for each of the five fiscal years beginning on October 1, 1980, and ending September 30, 1984, the reductions in appropriations for the payment of annual contributions for assisted housing and for payments for the operation of low-income housing projects which several alternative specifications of minimum rent requirements would allow. The Secretary shall submit a report to the Congress containing the findings and conclusions of such study not later than ten days after the Budget for fiscal year 1981 is transmitted pursuant to section 201 of the Budget and Accounting Act, 1921.

31 USC 11.

(b) The Secretary of Housing and Urban Development shall conduct a study to provide detailed comparisons between the rents paid by tenants occupying low-income housing assisted under the United

States Housing Act of 1937, and the rents paid by tenants at the same income levels who are not in assisted housing. The comparisons shall be made for differing regions, income levels and family size, and shall include data on utility costs paid by tenants. Data on tenants not in assisted housing shall be further subdivided in accordance with various indicators of housing quality. The Secretary shall transmit a report on such study to the Congress not later than March 1, 1980.

SECTION 235 AMENDMENTS

12 USC 1715z.

Sec. 213. (a) Section 235(a)(1) of the National Housing Act is amended by adding the following new sentence at the end thereof: "In making such assistance available, the Secretary shall give preference to low-income families who, without such assistance, would be likely to be involuntarily displaced (including those who would be likely to be displaced from rental units which are to be converted into a condominium project or a cooperative project). Such assistance may include the acquisition of a condominium or a membership in a cooperative association."

(b) Section 235(i)(3)(A) of such Act is amended by striking out ", if the mortgagor qualifies" in the first proviso and all that follows through "public housing".

(c)(1) Section 235 of such Act is amended by adding at the end thereof the following new subsection:

"(o) The Secretary may insure a mortgage under this section involving a principal obligation which exceeds, by not more than 20 per centum, the maximum limits specified under subsection (b)(2) or (i)(3) of this section if the mortgage relates to a dwelling in an urban neighborhood where the Secretary determines that a community sponsored program of concentrated redevelopment or revitalization is being undertaken and the Secretary determines that such action is necessary to enable eligible families residing in the area who occupy substandard housing or are being involuntarily displaced to remain in the area in decent, safe, and sanitary housing.".

(2) Section 235(c)(2) of such Act is amended by inserting after "1 per centum per annum" the following: "(4 per centum per annum in the case of a mortgage described in subsection (o))".

TITLE III—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

12 USC 1703.

Sec. 301. (a) Section 2(a) of the National Housing Act is amended by striking out "December 1, 1979" in the first sentence and inserting in lieu thereof "October 1, 1980".

12 USC 1715h.

(b) Section 217 of such Act is amended by striking out "November 30, 1979" and inserting in lieu thereof "September 30, 1980".

12 USC 1715*l*.

(c) Section 221(f) of such Act is amended by striking out "November 30, 1979" in the fifth sentence and inserting in lieu thereof "September 30, 1980".

12 USC 1715z.

(d) Section 235(m) of such Act is amended by striking out "November 30, 1979" and inserting in lieu thereof "September 30, 1980".

12 USC 1715z-1.

(e) Section 236(n) of such Act is amended by striking out "November 30, 1979" and inserting in lieu thereof "September 30, 1980".

12 USC 1715z-9.

(f) Section 244(d) of such Act is amended—

(1) by striking out "November 30, 1979" in the first sentence and inserting in lieu thereof "September 30, 1980"; and

(2) by striking out "December 1, 1979" in the second sentence and inserting in lieu thereof "October 1, 1980".

12 USC 1715z-10. (g) Section 245 of such Act is amended by striking out "November 30, 1979" where it appears and inserting in lieu thereof "September 30, 1980".

12 USC 1748h-1. (h) Section 809(f) of such Act is amended by striking out "November 30, 1979" in the second sentence and inserting in lieu thereof "September 30, 1980".

12 USC 1748h-2. (i) Section 810(k) of such Act is amended by striking out "November 30, 1979" in the second sentence and inserting in lieu thereof "September 30, 1980".

12 USC 1749bb. (j) Section 1002(a) of such Act is amended by striking out "November 30, 1979" in the second sentence and inserting in lieu thereof "September 30, 1980".

12 USC 1749aaa. (k) Section 1101(a) of such Act is amended by striking out "November 30, 1979" in the second sentence and inserting in lieu thereof "September 30, 1980".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

12 USC 1709-1. SEC. 302. Section 3(a) of Public Law 90-301 is amended by striking out "December 1, 1979" and inserting in lieu thereof "October 1, 1980".

EXTENSION OF EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

12 USC 1723e note. SEC. 303. Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "December 1, 1979" and inserting in lieu thereof "October 1, 1980".

RESEARCH AUTHORIZATIONS

12 USC 1701z-1. SEC. 304. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and not to exceed $62,000,000 for the fiscal year 1979" and inserting in lieu thereof "not to exceed $62,000,000 for the fiscal year 1979, and not to exceed $50,300,000 for the fiscal year 1980".

FEDERAL HOUSING ADMINISTRATION GENERAL INSURANCE FUND

12 USC 1735c. SEC. 305. Section 519(f) of the National Housing Act is amended by inserting before the period at the end thereof the following: ", which shall be increased by not to exceed $93,000,000 on October 1, 1979".

HOUSING FOR THE ELDERLY OR HANDICAPPED

12 USC 1701q. SEC. 306. (a) Section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended by striking out "and to $3,300,000,000 on October 1, 1978" and inserting in lieu thereof "to $3,300,000,000 on October 1, 1978, to $3,827,500,000 on October 1, 1979, to $4,777,500,000 on October 1, 1980, and to $5,752,500,000 on October 1, 1981".

(b) Section 202(a) of such Act is amended by adding at the end thereof the following new paragraphs:

"(6) In reviewing applications for loans under this section, the Secretary may consider the extent to which such loans—

"(A) will assist in stabilizing, conserving, and revitalizing neighborhoods and communities;

"(B) will assist in providing housing for elderly and handicapped families in neighborhoods and communities in which they are experiencing significant displacement due to public or private investment; or

"(C) will assist in the substantial rehabilitation, in an economical manner, of structures having architectural, historical, or cultural significance.

"(7) The Secretary may make available appropriate technical and training assistance to assure that applicants having limited resources, particularly minority applicants, are able to participate more fully in the program carried out under this section.".

(c)(1) Section 202(d)(8)(A) of such Act is amended by striking out "or infirmaries or other inpatient or" and inserting in lieu thereof "adult day health facilities, or other". 12 USC 1701q.

(2) Section 202(f) of such Act is amended by inserting "(including adult day health services)" after "health".

(d) Section 202(g) of such Act is amended by adding the following new sentence at the end thereof: "At the time of settlement on permanent financing with respect to a project under this section, the Secretary shall make an appropriate adjustment in the amount of any assistance to be provided under a contract for annual contributions pursuant to section 8 of the United States Housing Act of 1937 in order to reflect fully any difference between the interest rate which will actually be charged in connection with such permanent financing and the interest rate which was in effect at the time of the reservation of assistance in connection with the project.".

Report to Congress. 12 USC 1701q note.

(e) Not later than six months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall transmit a report to the Congress on the housing needs of the elderly and handicapped in rural areas. Such report shall at least include—

(1) an assessment of the operations of the present programs in rural areas available to the elderly and handicapped;

(2) an assessment of the housing needs of the elderly and handicapped living in rural areas; and

(3) an examination of the various alternatives available to meet the housing needs of the elderly and handicapped in rural areas.

Report to Congress. 12 USC 1701q note.

(f) Not later than six months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall transmit a report to the Congress containing recommendations on means to reduce the costs of the program carried out under section 202 of the Housing Act of 1959 without—

(1) unduly burdening sponsors of programs and projects under this section; or

(2) adversely affecting the ability of the program under this section to meet the housing needs of elderly and handicapped families.

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 307. Section 608(a) of the Housing and Community Development Amendments of 1978 is amended by inserting ", and not to exceed $12,000,000 for fiscal year 1980" after "1979". 92 Stat. 2119. 42 USC 8107.

EXEMPTION FROM STATE USURY LAWS

SEC. 308. Title V of the National Housing Act is amended by adding the following new section at the end thereof:

"EXEMPTION FROM STATE USURY LAWS

12 USC 1735f-7.

"Sec. 529. (a) The provisions of the constitution of any State expressly limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved by lenders and the provisions of any State law expressly limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved shall not apply to any loan, mortgage, or advance which is insured under title I or II of this Act.

12 USC 1702, 1707.

"(b) The provisions of subsection (a) shall apply to loans, mortgages, or advances made or executed in any State until the effective date (after the date of enactment of this section) of a provision of law of that State limiting the rate or amount of interest, discount points, or other charges on any such loan, mortgage, or advance.".

STUDIES OF MORTGAGE INSURANCE PREMIUMS AND ALTERNATIVES TO STATUTORY MORTGAGE AMOUNTS

12 USC 1709 note.

Sec. 309. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall conduct a study of the relative risks of loss which exist with respect to the various classes of mortgages which may be insured under sections 203(b) and 213 of the National Housing Act. Such study shall be conducted for the purpose of making recommendations on the advisability of reducing, in accordance with sound actuarial and accounting practices, some or all of the mortgage insurance premiums required for such classes of mortgages. The Secretary shall transmit such recommendations to the Congress within eighteen months from the date of the enactment of this Act.

Infra; Ante, p. 1108.

(b) The Secretary shall conduct a study of alternatives to the present system of fixed statutory maximum amounts for mortgages insured by the Department of Housing and Urban Development under titles I and II of the National Housing Act. Such study shall include an examination of possible alternatives, including but not limited to flexible mortgage ceilings, prototype cost limits, ceilings based on regional housing costs, sales prices of homes, and construction costs. The Secretary shall report to the Congress on the results of such study, together with recommendations for legislation, no later than March 1, 1980.

MORTGAGE INSURANCE FOR EXISTING DWELLINGS WITH WARRANTY PLANS

12 USC 1709.

Sec. 310. Section 203(b)(2) of the National Housing Act is amended by striking out "the dwelling was completed more than one year prior to the application for mortgage insurance, or the dwelling was approved for guaranty, insurance, or a direct loan under chapter 37 of title 38, United States Code, prior to the beginning of construction" in the third sentence and by inserting in lieu thereof the following: "(i) the dwelling was completed more than one year prior to the application for mortgage insurance, or (ii) the dwelling was approved for guaranty, insurance, or a direct loan under chapter 37 of title 38, United States Code, prior to the beginning of construction, or (iii) the dwelling is covered by a consumer protection or warranty plan acceptable to the Secretary and satisfies all requirements which would have been applicable if such dwelling had been approved for mortgage insurance prior to the beginning of construction".

38 USC 1801 *et seq.*

MODIFICATION OF GRADUATED PAYMENT MORTGAGE PROGRAM

Homeownership Opportunity Act of 1979.
12 USC 1701 note.
12 USC 1715z-10.

SEC. 311. (a) This section may be cited as the "Homeownership Opportunity Act of 1979".

(b) Section 245 of the National Housing Act is amended—

(1) by inserting "(a)" after "SEC. 245.";

(2) by inserting after "title" in the second sentence the following: ", except as provided in subsection (b) of this section,";

(3) by striking out "section" after "pursuant to this" and inserting in lieu thereof "subsection";

(4) by striking out the last sentence; and

(5) by adding at the end thereof the following:

"(b) Notwithstanding the provisions of subsection (a), the Secretary may insure under any provision of this title a mortgage or loan which meets the requirements of the first sentence of subsection (a) and which has provisions for varying rates of amortization if the Secretary determines—

"(1) the mortgagor could not reasonably afford to purchase the dwelling unit by means of a mortgage insured under subsection (a) or any other mortgage insurance program under this title;

"(2) the principal obligation of the mortgage or loan initially does not exceed the percentage of the initial appraised value of the property specified in section 203(b) of this title as of the date the mortgage or loan is accepted for insurance;

Ante, p. 1114.

"(3) the principal obligation of the mortgage or loan thereafter (including all interest to be deferred and added to principal) will not at any time be scheduled to exceed 97 per centum, or, if the mortgagor is a veteran, such higher percentage as is provided under section 203(b)(2) for veterans, of the projected value of the property; and

"(4) the principal obligation of the mortgage thereafter will not exceed 113 per centum of the initial appraised value of the property.

Mortgage insurance under this subsection shall be limited to mortgages executed by mortgagors who, as determined by the Secretary, have not owned dwelling units within the preceding three years. For the purpose of this subsection, the projected value of the property shall be calculated by the Secretary by increasing the initial appraised value of the property at a rate not in excess of 2½ per centum per annum. The number of mortgages which are insured in accordance with this subsection in any fiscal year may not exceed (A) that number of mortgages the aggregate initial principal obligation of which equals 10 per centum of the aggregate amount of the initial principal obligation of all mortgages secured by properties improved by one- to four-family residences which are insured under this title during the preceding fiscal year, or (B) 50,000 mortgages, whichever is greater.

"(c) Any mortgage or loan insured pursuant to this section which contains or sets forth any graduated mortgage provisions (including but not limited to provisions for adding deferred interest to principal) which are authorized under this section and applicable regulations, or which have been insured on the basis of their being so authorized, shall not be subject to any State constitution, statute, court decree, common law, or rule or public policy (1) limiting the amount of interest which may be charged, taken, received, or reserved, or the manner of calculating such interest (including but not limited to prohibitions against the charging of interest on interest), if such constitution, statute, court decree, common law, or rule would not apply to the mortgage or loan in the absence of such graduated payment mortgage provisions, or (2) requiring a minimum amortization of principal under the mortgage or loan.".

FEDERAL HOUSING ADMINISTRATION MORTGAGE LIMITS

12 USC 1709.

SEC. 312. (a) Section 203(b)(2) of the National Housing Act is amended by striking out everything through "or $75,000 in the case of a four-family residence;" and inserting in lieu thereof the following:

"(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed $67,500 in the case of property upon which there is located a dwelling designed principally for a one-family residence; or $76,000 in the case of a two-family residence (whether or not such one- or two-family residence may be intended to be rented temporarily for school purposes); or $92,000 in the case of a three-family residence, or $107,000 in the case of a four-family residence;".

12 USC 1715k.

(b) Section 220(d)(3)(A)(i) of such Act is amended—

(1) by striking out "$60,000" and inserting in lieu thereof "$67,500";

(2) by striking out "$65,000" the first time it appears and inserting in lieu thereof "$76,000";

(3) by striking out "$65,000" the second time it appears and inserting in lieu thereof "$92,000";

(4) by striking out "$75,000" and inserting in lieu thereof "$107,000"; and

(5) by striking out "$7,700" and inserting in lieu thereof "$8,250".

12 USC 1715m, 1715y.

(c) Section 222(b)(2) and section 234(c) of such Act are amended by striking out "$60,000" in each such section and inserting in lieu thereof "$67,500".

LOANS FOR MOBILE HOMES AND LOTS

12 USC 1703.

SEC. 313. (a) Section 2(b) of the National Housing Act is amended—

(1) by striking out "$16,000 ($24,000 in the case of a mobile home composed of two or more modules" in the first sentence and inserting in lieu thereof "$18,000 ($27,000 in the case of a mobile home containing two or more modules";

(2) by striking out subparagraph (A) of the second paragraph and inserting in lieu thereof the following:

"(A) involve such an amount not exceeding $24,000 ($33,000 in the case of a mobile home composed of two or more modules); and";

(3) by striking out "fifteen years and thirty-two days (twenty-three" in subparagraph (B) of the second paragraph and inserting in lieu thereof "twenty years and thirty-two days (twenty-five";

(4) by striking out subparagraph (A) of the third paragraph and inserting in lieu thereof the following:

"(A) involve such an amount not exceeding $27,500 ($36,500 in the case of a mobile home composed of two or more modules); and";

(5) by striking out "fifteen years and thirty-two days (twenty-three" in subparagraph (B) of the third paragraph and inserting in lieu thereof "twenty years and thirty-two days (twenty-five";

(6) by striking out "$5,000 in the case of an undeveloped lot, or (ii) $7,500," in subparagraph (A) of the fourth paragraph and inserting in lieu thereof "$6,250 in the case of an undeveloped lot, or (ii) $9,375"; and

(7) by striking out "ten years and thirty-two days" in subparagraph (B) of the fourth paragraph and inserting in lieu thereof "fifteen years and thirty-two days".

(b) Section 207(c)(3) of such Act is amended by striking out "$3,900" and inserting in lieu thereof "$8,000". 12 USC 1713.

HIGH-COST AREA MAXIMUM MORTGAGE AMOUNTS

SEC. 314. The National Housing Act is amended by striking out "by not to exceed 50 per centum in any geographical area where he finds that cost levels so require" where it appears in sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), 221(d)(3)(ii), 221(d)(4)(ii), 231(c)(2), and 234(e)(3) and inserting in lieu thereof in each such section "by not to exceed 75 per centum in any geographical area where he finds that cost levels so require, except that, where the Secretary determines it necessary on a project by project basis, the foregoing dollar amount limitations contained in this paragraph may be exceeded by not to exceed 90 per centum in such an area". 12 USC 1713, 1715e, 1715k, 1715*l*, 1715v, 1715y.

COMBINATION FINANCING

SEC. 315. Section 242(d) of the National Housing Act is amended by adding the following new paragraph at the end thereof: 12 USC 1715z-7.

"(5) The Secretary shall not insure any mortgage or approve any modification of an existing mortgage insured pursuant to this section or section 223(f) if such insurance or modification is to be made in connection with a guarantee, as authorized pursuant to section 306, of a trust certificate or other security which is exempt from Federal taxation or which is to be used to collateralize obligations which are so exempt, except that the Secretary shall not refuse to insure such a mortgage or approve such a modification solely on the basis that such insurance or modification is to be made in connection with a guarantee, as authorized pursuant to section 306, of a trust certificate or other security which is exempt from Federal taxation or which is to be used to collateralize obligations which are so exempt if— 12 USC 1715n. 12 USC 1721.

"(A) a written application for such insurance or modification submitted at the express direction of the hospital has been submitted to the appropriate office of the Department of Health, Education, and Welfare prior to March 29, 1979; or

"(B) in the case of a nonprofit mortgagor which is seeking refinancing or modification of an existing mortgage insured pursuant to this section or section 223(f), the mortgagor (i) had engaged an investment banker for the purpose of obtaining such refinancing or modification, or had undertaken or arranged for the undertaking of a market or feasibility study with respect to the advisability of obtaining such refinancing or modification, and had made written notification of its interest in such refinancing or modification to the Department of Health, Education, and Welfare or the Department of Housing and Urban Development prior to June 7, 1979; and (ii) receives from the programs established under titles XVIII and XIX of the Social Security Act a percentage of its total revenue which is greater than 125 per centum of the national average for hospitals which derive revenue from such titles.". 42 USC 1395, 1396.

FEDERAL HOME LOAN MORTGAGE CORPORATION AMENDMENTS

12 USC 1455.

SEC. 316. (a) Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following:

12 USC 1454.

"(e)(1) Any person, trust, or organization created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in mortgages, obligations, or other securities which are or have been sold by the Corporation pursuant to this section or pursuant to section 305 of this title to the same extent that such person, trust, or organization is authorized under any applicable law to purchase, hold, or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Where State law limits the purchase, holding, or investment in obligations issued by the United States by such a person, trust, or organization, such Corporation mortgages, obligations, and other securities shall be considered to be obligations issued by the United States for purposes of the limitation.

Exceptions.

"(2) The provisions of paragraph (1) shall not apply with respect to a particular person, trust, or organization or class thereof in any State which, after the date of enactment of this subsection, enacts a statute which specifically names the Corporation and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by such person, trust, or organization or class thereof than is provided in paragraph (1). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest which was made prior thereto.

"(3) Any authority granted by paragraph (1) and not granted by any other Federal statute shall expire as of the end of June 30, 1985. Such expiration shall not affect the validity of any contractual commitment to purchase, hold, or invest which was made prior thereto pursuant to paragraph (1), and shall not affect the validity of any contractual commitment or other action to purchase, hold, or invest pursuant to any other authorization.".

12 USC 1452.

(b) Section 303 of such Act is amended by adding at the end thereof the following:

"(f) All mortgages, obligations, or other securities which are or have been sold by the Corporation pursuant to section 305 or section 306 of this title shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposits of which shall be under the authority and control of the United States or any officers thereof.".

12 USC 1451.

(c) Section 302(h) of such Act is amended by adding at the end thereof the following sentence: "Such term shall also include a mortgage, lien, or other security interest on the stock or membership certificate issued to a tenant-stockholder or resident-member by a cooperative housing corporation, as defined in section 216 of the Internal Revenue Code of 1954, and on the proprietary lease, occupancy agreement, or right of tenancy in the dwelling unit of the tenant-stockholder or resident-member in such cooperative housing corporation.".

26 USC 216.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION MAXIMUM MORTGAGE AMOUNT

SEC. 317. The second sentence of section 302(b)(1) of the National Housing Act is amended to read as follows: "Notwithstanding the provisions of clause (3) of the preceding sentence, the Association may purchase a mortgage under section 305 with an original principal obligation which exceeds the otherwise applicable maximum amount per dwelling unit if (1) the mortgage is insured under section 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), 221(d)(3)(ii), 221(d)(4)(ii), 231(c)(2), 234(e)(3), or 236, and (2) at least 20 per centum of the units covered by such mortgage are assisted under contracts authorized by section 8 of the United States Housing Act of 1937.".

12 USC 1717.
12 USC 1720.
12 USC 1713, 1715e, 1715k, 1715*l*, 1715v, 1715y, 1715z-1.
42 USC 1437f.

SECTION 203(i) PROGRAM

SEC. 318. Section 203(i) of the National Housing Act is amended—

(1) by striking out "adjacent to a public highway" in the last proviso and inserting in lieu thereof "adjacent to an all-weather public road"; and

(2) by striking out "five" in the last proviso and inserting in lieu thereof "two and one-half".

12 USC 1709.

MATURITIES FOR SUPPLEMENTAL LOANS

SEC. 319. Section 241(b)(2) of the National Housing Act is amended by striking out the phrase "but not to exceed the remaining term of the mortgage".

12 USC 1715z-6.

AMENDMENT TO THE NATIONAL MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974

SEC. 320. Section 620 of the National Mobile Home Construction and Safety Standards Act of 1974 is amended by inserting after "conducting such inspections," the following: "and the Secretary may use any fees so collected to pay expenses incurred in connection with such inspections,".

42 USC 5419.

OWNERSHIP OF MOBILE HOME SITES

SEC. 321. Not later than March 31, 1980, the Secretary of Housing and Urban Development shall transmit to the Congress a report containing recommendations for programs and policies which encourage individual ownership of mobile home lots through condominium or cooperative development of mobile home parks or through the development of mobile home subdivisions.

Report to Congress.
12 USC 1703 note.

INVALIDATION OF HUD INCREASES IN THERMAL REQUIREMENTS

SEC. 322. The final rule revision 6A of the Department of Housing and Urban Development (entitled "Increases in Thermal Requirements for HUD Minimum Property Standards" and contained in the Federal Register, volume 44, number 74, April 16, 1979, 24 CFR Part 200) is hereby disapproved and invalidated insofar as it applies to masonry construction.

DEPOSIT INSURANCE AND SECURITY EXTENDED TO INDIAN TRIBAL GOVERNMENT DEPOSITS

12 USC 1821.

SEC. 323. (a) Paragraph (2)(A) of section 11(a) of the Federal Deposit Insurance Act is amended by—

(1) striking out "or" at the end of clause (iii),

(2) inserting "or" following the semicolon at the end of clause (iv), and

(3) inserting immediately after clause (iv) the following:

25 USC 1452.

"(v) an officer, employee, or agent of any Indian tribe (as defined in section 3(c) of the Indian Financing Act of 1974) or agency thereof having official custody of tribal funds and lawfully investing or depositing the same in time and savings deposits in an insured bank;".

12 USC 1728.

(b) Paragraph (1) of section 405(d) of the National Housing Act is amended by—

(1) striking out "or" at the end of clause (iii),

(2) inserting "or" following the semicolon at the end of clause (iv), and

(3) inserting immediately after clause (iv) the following:

25 USC 1452.

"(v) an officer, employee, or agent of any Indian tribe (as defined in section 3(c) of the Indian Financing Act of 1974) or agency thereof having official custody of tribal funds and lawfully investing the same in an insured institution;".

12 USC 1787.

(c) Subparagraph (2)(A) of section 207(c) of the Federal Credit Union Act is amended by—

(1) striking out "or" at the end of clause (iii),

(2) inserting "or" following the semicolon at the end of clause (iv), and

(3) inserting immediately after clause (iv) the following:

25 USC 1452.

"(v) an officer, employee, or agent of any Indian tribe (as defined in section 3(c) of the Indian Financing Act of 1974) or agency thereof having official custody of tribal funds and lawfully investing the same in a credit union insured in accordance with this title;".

12 USC 1757.

12 USC 1787.

(d) Section 107(6) of the Federal Credit Union Act is amended by striking out "nonmember units of Federal, State, or local governments and political subdivisions thereof enumerated in section 207 of this Act" and inserting in lieu thereof "nonmember units of Federal, Indian tribal, State, or local governments and political subdivisions thereof enumerated in section 207 of this Act".

12 USC 1728 note.

(e) The amendments made by subsections (a) through (d) are not applicable to any claim arising out of the closing of a bank, savings and loan association, or credit union prior to the date of enactment of this Act, but shall be applicable to any such claim arising on or after such date.

12 USC 90.

(f) Section 5153 of the Revised Statutes is amended by adding at the end thereof the following paragraph:

"Any national banking association may, upon the deposit with it of any funds by any federally recognized Indian tribe, or any officer, employee, or agent thereof in his or her official capacity, give security for the safekeeping and prompt payment of the funds so deposited by the deposit of United States bonds and otherwise as may be prescribed by the Secretary of the Treasury for public funds under the first paragraph of this section.".

AIDING MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

SEC. 324. Section 11(h) of the Federal Home Loan Bank Act is amended by inserting after "in the stock of the Federal National Mortgage Association," the following: "in stock, obligations, or other securities of any small business investment company formed pursuant to section 301(d) of the Small Business Investment Act of 1958, for the purpose of aiding members of the Federal Home Loan Bank System,". 12 USC 1431. 15 USC 681.

SMALL BUSINESS INVESTMENT COMPANIES

SEC. 325. Section 5(c)(4) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following: 12 USC 1464.

"(E) SMALL BUSINESS INVESTMENT COMPANIES.—An association may invest in stock, obligations, or other securities of any small business investment company formed pursuant to section 301(d) of the Small Business Investment Act of 1958, for the purpose of aiding members of the Federal Home Loan Bank System, but no association may make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 1 per centum of the assets of such association.". 15 USC 681.

SINGLE FAMILY LOAN LIMITATION

SEC. 326. Paragraph (1)(B) of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "$60,000" and inserting in lieu thereof "$75,000". 12 USC 1464.

STOCK TO ADVANCES RATIO

SEC. 327. Section 6(c)(2)(ii) of the Federal Home Loan Bank Act is amended by striking out "twelve" and inserting in lieu thereof "twenty". 12 USC 1426.

PAPERWORK REDUCTION

SEC. 328. Section 905 of the Housing and Community Development Amendments of 1978 is amended to read as follows: 92 Stat. 2126. 42 USC 3541.

"PAPERWORK REDUCTION

"SEC. 905. (a) The Congress finds and declares—

"(1) that various departments, agencies, and instrumentalities of the Federal Government with responsibilities involving housing and housing finance programs, require, approve, use or otherwise employ a variety of different forms as residential mortgages (or deeds of trust or similar security instruments) as notes secured by those mortgages, and for applications, appraisals and other purposes, and that such duplication of forms constitutes a paperwork burden that adds to the costs imposed on the Nation's homeowners and home buyers;

"(2) that unnecessary paperwork impairs the effectiveness of Federal housing and housing finance programs;

"(3) that both single-family and multi-family programs are affected; and

"(4) that simplification of paperwork imposed by Federal housing and housing finance programs would contribute to achieving the Nation's housing goals by reducing housing costs.

"(b)(1) Not later than October 1, 1980, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Administrator of Veterans' Affairs shall, consistent with provisions of law governing the conduct of housing programs, employ in their respective programs—

"(A) uniform single-family and multi-family note and mortgage forms;

"(B) a uniform application form for mortgage approval and commitment for mortgage insurance;

"(C) a uniform form for computation of the monthly net effective income of applicants;

"(D) a uniform property appraisal form;

"(E) a uniform settlement statement which shall satisfy the requirements of the Real Estate Settlement Procedures Act; and

12 USC 2601 note.

"(F) such other consolidated or simplified forms, particularly those which solicit identical or nearly identical information from the same persons in the conduct of two or more such programs, the consolidation or simplification of which the Secretaries of Housing and Urban Development and Agriculture and the Administrator of Veterans' Affairs mutually agree would contribute to a reduction in the paperwork and regulatory burden of such prog[illegible]

"(2) The S[illegible] Housing and Urban Development, the Secretary of Agr[illegible]e Administrator of Veterans' Affairs shall, consistent [illegible]th pro[illegible] of law governing their respective programs, provide by regu[illegible] for the elimination of forms which solicit information which [illegible] already available from other available sources through indexing [illegible] other means of identifying such forms.

"(3) Each agency referred to in subsection (b) may employ riders, addenda, or similar forms of modification agreements to adapt such uniform forms to its respective programs and policies, consistent with the goals of minimizing the use and extent of such modification agreements and maximizing the suitability of such forms for the use of all participants, public and private.

Report to Congress by OMB Director.

"(c) The Director of the Office of Management and Budget shall coordinate and monitor the development and implementation by Federal departments and agencies of the efforts required by subsection (b) and shall report to the Congress on such development and implementation and with respect to any provisions of law which unnecessarily prevent such departments and agencies from carrying out the provisions of this section as part of each report required under Public Law 93-556. Such report shall include an estimate of the reduction of the level of paperwork burden hours of the affected agencies as allocated by the Office of Management and Budget.".

TITLE IV—INTERSTATE LAND SALES

DEFINITIONS

15 USC 1701.

SEC. 401. Section 1402 of the Interstate Land Sales Full Disclosure Act is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by striking out paragraph (3) and inserting in lieu thereof the following new paragraphs:

"(3) 'subdivision' means any land which is located in any State or in a foreign country and is divided or is proposed to be divided into lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan;

"(4) 'common promotional plan' means a plan, undertaken by a single developer or a group of developers acting in concert, to offer lots for sale or lease; where such land is offered for sale by such a developer or group of developers acting in concert, and such land is contiguous or is known, designated, or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan;".

EXEMPTIONS

SEC. 402. Subsections (a) and (b) of section 1403 of the Interstate Land Sales Full Disclosure Act are amended to read as follows: 15 USC 1702.

"(a) Unless the method of disposition is adopted for the purpose of evasion of this title, the provisions of this title shall not apply to—

"(1) the sale or lease of lots in a subdivision containing less than twenty-five lots;

"(2) the sale or lease of any improved land on which there is a residential, commercial, condominium, or industrial building, or the sale or lease of land under a contract obligating the seller or lessor to erect such a building thereon within a period of two years;

"(3) the sale of evidences of indebtedness secured by a mortgage or deed of trust on real estate;

"(4) the sale of securities issued by a real estate investment trust;

"(5) the sale or lease of real estate by any government or government agency;

"(6) the sale or lease of cemetery lots;

"(7) the sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business; or

"(8) the sale or lease of real estate which is zoned by the appropriate governmental authority for industrial or commercial development or which is restricted to such use by a declaration of covenants, conditions, and restrictions which has been recorded in the official records of the city or county in which such real estate is located, when—

"(A) local authorities have approved access from such real estate to a public street or highway;

"(B) the purchaser or lessee of such real estate is a duly organized corporation, partnership, trust, or business entity engaged in commercial or industrial business;

"(C) the purchaser or lessee of such real estate is represented in the transaction of sale or lease by a representative of its own selection;

"(D) the purchaser or lessee of such real estate affirms in writing to the seller or lessor that it either (i) is purchasing or leasing such real estate substantially for its own use, or (ii) has a binding commitment to sell, lease, or sublease such real estate to an entity which meets the requirements of subparagraph (B), is engaged in commercial or industrial business, and is not affiliated with the seller, lessor, or agent thereof; and

"(E) a policy of title insurance or a title opinion is issued in connection with the transaction showing that title to the real estate purchased or leased is vested in the seller or lessor, subject only to such exceptions as may be approved in writing by such purchaser or the lessee prior to recordation of the instrument of conveyance or execution of the lease, but (i) nothing herein shall be construed as requiring the recordation of a lease, and (ii) any purchaser or lessee may waive, in writing in a separate document, the requirement of this subparagraph that a policy of title insurance or title opinion be issued in connection with the transaction.

"(b) Unless the method of disposition is adopted for the purpose of evasion of this title, the provisions requiring registration and disclosure (as specified in section 1404(a)(1) and sections 1405 through 1408) shall not apply to—

Post, p. 1127; 15 USC 1704–1707.

"(1) the sale or lease of lots in a subdivision containing fewer than one hundred lots which are not exempt under subsection (a);

"(2) the sale or lease of lots in a subdivision if, within the twelve-month period commencing on the date of the first sale or lease of a lot in such subdivision after the effective date of this subsection or on such other date within that twelve-month period as the Secretary may prescribe, not more than twelve lots are sold or leased, and the sale or lease of the first twelve lots in such subdivision in any subsequent twelve-month period, if not more than twelve lots have been sold or leased in any preceding twelve-month period after the effective date of this subsection;

"(3) the sale or lease of lots in a subdivision if each noncontiguous part of such subdivision contains not more than twenty lots, and if the purchaser or lessee (or spouse thereof) has made a personal, on-the-lot inspection of the lot purchased or leased, prior to signing of the contract or agreement to purchase or lease;

"(4) the sale or lease of lots in a subdivision in which each of the lots is at least twenty acres (inclusive of easements for ingress and egress or public utilities);

"(5) the sale or lease of a lot which is located within a municipality or county where a unit of local government specifies minimum standards for the development of subdivision lots taking place within its boundaries, when—

"(A)(i) the subdivision meets all local codes and standards, and (ii) each lot is either zoned for single family residences or, in the absence of a zoning ordinance, is limited exclusively to single family residences;

"(B)(i) the lot is situated on a paved street or highway which has been built to standards applicable to streets and highways maintained by the unit of local government in which the subdivision is located and is acceptable to such unit, or, where such street or highway is not complete, a bond or other surety acceptable to the municipality or county in the full amount of the cost of completing such street or highway has been posted to assure completion to such standards, and (ii) the unit of local government or a homeowners association has accepted or is obligated to accept the responsibility of maintaining such street or highway, except that, in any case in which a homeowners association has accepted or is obligated to accept such responsibility, a good faith written estimate of the cost of carrying out such responsibility over the first ten years of ownership or lease is provided to the purchaser or lessee prior to the signing of the contract or agreement to purchase or lease;

"(C) at the time of closing, potable water, sanitary sewage disposal, and electricity have been extended to the lot or the unit of local government is obligated to install such facilities within one hundred and eighty days, and, for subdivisions which do not have a central water or sewage disposal system, rather than installation of water or sewer facilities, there must be assurances that an adequate potable water supply is available year-round and that the lot is approved for the installation of a septic tank;

"(D) the contract of sale requires delivery of a warranty deed (or, where such deed is not commonly used in the jurisdiction where the lot is located, a deed or grant which warrants that the grantor has not conveyed the lot to another person and that the lot is free from encumbrances made by the grantor or any other person claiming by, through, or under him) to the purchaser within one hundred and eighty days after the signing of the sales contract;

"(E) at the time of closing, a title insurance binder or a title opinion reflecting the condition of the title shall be in existence and issued or presented to the purchaser or lessee showing that, subject only to such exceptions as may be approved in writing by the purchaser or lessee at the time of closing, marketable title to the lot is vested in the seller or lessor;

"(F) the purchaser or lessee (or spouse thereof) has made a personal, on-the-lot inspection of the lot purchased or leased, prior to signing of the contract or agreement to purchase or lease; and

"(G) there are no offers, by direct mail or telephone solicitation, of gifts, trips, dinners, or other such promotional techniques to induce prospective purchasers or lessees to visit the subdivision or to purchase or lease a lot;

"(6) the sale or lease of a lot, if a mobile home is to be erected or placed thereon as a residence, where the lot is sold as a homesite by one party and the home by another, under contracts that obligate such sellers to perform, contingent upon the other seller carrying out its obligations so that a completed mobile home will be erected or placed on the completed homesite within a period of two years, and provide for all funds received by the sellers to be deposited in escrow accounts (controlled by parties independent of the sellers) until the transactions are completed, and further provide that such funds shall be released to the buyer on demand without prejudice if the land with the mobile home erected or placed thereon is not conveyed within such two-year period. Such homesite must conform to all local codes and standards for mobile home subdivisions, if any, must provide potable water, sanitary sewage disposal, electricity, access by roads, the purchaser must receive marketable title to the lot, and where common facilities are to be provided, they must be completed or fully funded;

"(7)(A) the sale or lease of real estate by a developer who is engaged in a sales operation which is intrastate in nature. For purposes of this exemption, a lot may be sold only if—

"(i) the lot is free and clear of all liens, encumbrances, and adverse claims;

"(ii) the purchaser or lessee (or spouse thereof) has made a personal on-the-lot inspection of the lot to be purchased or leased;

"(iii) each purchase or lease agreement contains—

"(I) a clear and specific statement describing a good faith estimate of the year of completion of, and the party responsible for, providing and maintaining the roads, water facilities, sewer facilities and any existing or promised amenities; and

"(II) a nonwaivable provision specifying that the contract or agreement may be revoked at the option of the purchaser or lessee until midnight of the seventh day following the signing of such contract or agreement or until such later time as may be required pursuant to applicable State laws; and

"(iv) the purchaser or lessee has, prior to the time the contract or lease is entered into, acknowledged in writing the receipt of a written statement by the developer containing good faith estimates of the cost of providing electric, water, sewer, gas, and telephone service to such lot.

Definitions.

"(B) As used in subparagraph (A)(i) of this paragraph, the terms 'liens', 'encumbrances', and 'adverse claims' do not include United States land patents and similar Federal grants or reservations, property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, taxes and assessments imposed by a State, by any other public body having authority to assess and tax property, or by a property owners' association, which, under applicable State or local law, constitute liens on the property before they are due and payable or beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, if—

"(i) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser or lessee with a statement setting forth in descriptive and concise terms all such liens, reservations, taxes, assessments and restrictions which are applicable to the lot to be purchased or leased; and

"(ii) receipt of such statement has been acknowledged in writing by the purchaser or lessee.

"(C) For the purpose of this paragraph, a sales operation is 'intrastate in nature' if the developer is subject to the laws of the State in which the land is located, and each lot in the subdivision, other than those which are exempt under section 1403 (a), (b)(6), or (b)(8), is sold or leased to residents of the State in which the land is located; or

"(8) the sale or lease of a lot in a subdivision containing fewer than three hundred lots if—

"(A) the principal residence of the purchaser or lessee is within the same standard metropolitan statistical area, as defined by the Office of Management and Budget, as the lot purchased or leased;

"(B) the lot is free and clear of liens (such as mortgages, deeds of trust, tax liens, mechanics liens, or judgments) at the time of the signing of the contract or agreement and until a deed is delivered to the purchaser or the lease expires. As used in this subparagraph, the term 'liens' does not include (i) United States land patents and similar Federal grants or reservations, (ii) property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, (iii) taxes and assessments imposed by a State, by any other public body having authority to assess and tax property, or by a property owners' association, which, under applicable State or local law, constitute liens on the property before they are due and payable or beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, or (iv) other interests described in regulations prescribed by the Secretary; Liens.

"(C) the purchaser or lessee (or spouse thereof) has made a personal on-the-lot inspection of the lot to be purchased or leased;

"(D) each purchase or lease agreement contains (i) a clear and specific statement describing a good faith estimate of the year of completion of and the party responsible for providing and maintaining the roads, water facilities, sewer facilities and any existing or promised amenities; and (ii) a nonwaivable provision specifying that the contract or agreement may be revoked at the option of the purchaser or lessee until midnight of the seventh day following the signing of such contract or agreement or until such later time as may be required pursuant to applicable State laws;

"(E) the purchaser or lessee has, prior to the time the contract or lease is entered into, acknowledged in writing receipt of a written statement by the developer setting forth (i) in descriptive and concise terms all liens, reservations, taxes, assessments, beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, and adverse claims which are applicable to the lot to be purchased or leased, and (ii) good faith estimates of the cost of providing electric, water, sewer, gas, and telephone service to such lot;

"(F) the developer executes and supplies to the purchaser a written instrument designating a person within the State of residence of the purchaser as his agent for service of process and acknowledging that the developer submits to the legal jurisdiction of the State in which the purchaser or lessee resides; and

"(G) the developer executes a written affirmation to the effect that he has complied with the provisions of this paragraph, such affirmation to be given on a form provided by the Secretary, which shall include the following: the name and address of the developer; the name and address of the purchaser or lessee; a legal description of the lot; an affirmation that the provisions of this paragraph have been complied with; a statement that the developer submits to the jurisdiction of this title with regard to the sale or lease; and the signature of the developer.".

REQUIREMENTS RELATING TO THE SALE OR LEASE OF LOTS

SEC. 403. Section 1404 of the Interstate Land Sales Full Disclosure Act is amended to read as follows: 15 USC 1703.

"REQUIREMENTS RELATING TO THE SALE OR LEASE OF LOTS

"SEC. 1404. (a) It shall be unlawful for any developer or agent, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce, or of the mails—

"(1) with respect to the sale or lease of any lot not exempt under section 1403—

Ante, p. 1123.

"(A) to sell or lease any lot unless a statement of record with respect to such lot is in effect in accordance with section 1407;

15 USC 1706.

"(B) to sell or lease any lot unless a printed property report, meeting the requirements of section 1408, has been furnished to the purchaser or lessee in advance of the signing of any contract or agreement by such purchaser or lessee;

15 USC 1707.

"(C) to sell or lease any lot where any part of the statement of record or the property report contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein pursuant to sections 1405 through 1408 of this title or any regulations thereunder; or

"(D) to display or deliver to prospective purchasers or lessees advertising and promotional material which is inconsistent with information required to be disclosed in the property report; or

"(2) with respect to the sale or lease, or offer to sell or lease, any lot not exempt under section 1403(a)—

"(A) to employ any device, scheme, or artifice to defraud;

"(B) to obtain money or property by means of any untrue statement of a material fact, or any omission to state a material fact necessary in order to make the statements made (in light of the circumstances in which they were made and within the context of the overall offer and sale or lease) not misleading, with respect to any information pertinent to the lot or subdivision;

"(C) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser; or

"(D) to represent that roads, sewers, water, gas, or electric service, or recreational amenities will be provided or completed by the developer without stipulating in the contract of sale or lease that such services or amenities will be provided or completed.

"(b) Any contract or agreement for the sale or lease of a lot not exempt under section 1403 may be revoked at the option of the purchaser or lessee until midnight of the seventh day following the signing of such contract or agreement or until such later time as may be required pursuant to applicable State laws, and such contract or agreement shall clearly provide this right.

"(c) In the case of any contract or agreement for the sale or lease of a lot for which a property report is required by this title and the property report has not been given to the purchaser or lessee in advance of his or her signing such contract or agreement, such contract or agreement may be revoked at the option of the purchaser or lessee within two years from the date of such signing, and such contract or agreement shall clearly provide this right.

"(d) Any contract or agreement which is for the sale or lease of a lot not exempt under section 1403 and which does not provide—

"(1) a description of the lot which makes such lot clearly identifiable and which is in a form acceptable for recording by the appropriate public official responsible for maintaining land records in the jurisdiction in which the lot is located;

"(2) that, in the event of a default or breach of the contract or agreement by the purchaser or lessee, the seller or lessor (or successor thereof) will provide the purchaser or lessee with written notice of such default or breach and of the opportunity, which shall be given such purchaser or lessee, to remedy such default or breach within twenty days after the date of the receipt of such notice; and

"(3) that, if the purchaser or lessee loses rights and interest in the lot as a result of a default or breach of the contract or agreement which occurs after the purchaser or lessee has paid 15 per centum of the purchase price of the lot, excluding any interest owed under the contract or agreement, the seller or lessor (or successor thereof) shall refund to such purchaser or lessee any amount which remains after subtracting (A) 15 per centum of the purchase price of the lot, excluding any interest owed under the contract or agreement, or the amount of damages incurred by the seller or lessor (or successor thereof) as a result of such breach, whichever is greater, from (B) the amount paid by the purchaser or lessee with respect to the purchase price of the lot, excluding any interest paid under the contract or agreement,

may be revoked at the option of the purchaser or lessee for two years from the date of the signing of such contract or agreement. This subsection shall not apply to the sale of a lot for which, within one hundred and eighty days after the signing of the sales contract, the purchaser receives a warranty deed (or, where such deed is not commonly used in the jurisdiction where the lot is located, a deed or grant that warrants at least that the grantor has not conveyed the lot to another person and that the lot is free from encumbrances made by the grantor or any other person claiming by, through, or under him or her).

"(e) If a contract or agreement is revoked pursuant to subsection (b), (c), or (d), if the purchaser or lessee tenders to the seller or lessor (or successor thereof) an instrument conveying his or her rights and interests in the lot, and if the rights and interests and the lot are in a condition which is substantially similar to the condition in which they were conveyed or purported to be conveyed to the purchaser or lessee, such purchaser or lessee shall be entitled to all money paid by him or her under such contract or agreement.".

CERTIFICATION OF SUBSTANTIALLY EQUIVALENT STATE LAW

SEC. 404. Section 1409 of the Interstate Land Sales Full Disclosure Act is amended to read as follows: 15 USC 1708.

"CERTIFICATION OF SUBSTANTIALLY EQUIVALENT STATE LAW

"SEC. 1409. (a)(1) A State shall be certified if the Secretary determines—

"(A) that, when taken as a whole, the laws and regulations of the State applicable to the sale or lease of lots not exempt under section 1403 require the seller or lessor of such lots to disclose information which is at least substantially equivalent to the information required to be disclosed by section 1408; and

Ante, p. 1123.

15 USC 1707.

"(B) that the State's administration of such laws and regulations provides, to the maximum extent practicable, that such information is accurate.

"(2) In the case of any State which is not certified under paragraph (1), such State shall be certified if the Secretary determines—

"(A) that, when taken as a whole, the laws and regulations of the State applicable to the sale or lease of lots not exempt under section 1403 provide sufficient protection for purchasers and lessees with respect to the matters for which information is required to be disclosed by section 1408 but which is not required to be disclosed by such State's laws and regulations; and

Ante, p. 1123.

15 USC 1707.

"(B) that the State's administration of such laws and regulations provides, to the maximum extent practicable, that (i) information required to be disclosed by such laws and regulations is accurate, and (ii) sufficient protection for purchasers and lessees is made available with respect to the matters for which information is not required to be disclosed.

"(3) Any State requesting certification must agree to accept a property report covering land located in another certified State but offered for sale or lease in the State requesting certification if the property report has been approved by the other certified State. Such property report shall be the only property report required by the State with respect to the sale or lease of such land.

15 USC 1704-1707.

"(b) After the Secretary has certified a State under subsection (a), the Secretary shall accept for filing under sections 1405 through 1408 (and declare effective as the Federal statement of record and property report which shall be used in all States in which the lots are offered for sale or lease) disclosure materials found acceptable, and any related documentation required, by State authorities in connection with the sale or lease of lots located within the State. The Secretary may accept for such filing, and declare effective as the Federal statement of record and property report, such materials and documentation found acceptable by the State in connection with the sale or lease of lots located outside that State. Nothing in this subsection shall preclude the Secretary from exercising the authority conferred by subsections (d) and (e) of section 1407.

15 USC 1706.

"(c) If a State fails to meet the standards for certification pursuant to subsection (a), the Secretary shall notify the State in writing of the changes in State law, regulation, or administration that are needed in order to obtain certification.

Review.

"(d) The Secretary shall periodically review the laws and regulations, and the administration thereof, of States certified under subsection (a), and may withdraw such certification upon a determination that such laws, regulations, and the administration thereof, taken as a whole, no longer meet the requirements of subsection (a).

"(e) Nothing in this title may be construed to prevent or limit the authority of any State or local government to enact and enforce with regard to the sale of land any law, ordinance, or code not in conflict with this title. In administering this title, the Secretary shall cooperate with State authorities charged with the responsibility of regulating the sale or lease of lots which are subject to this title.".

CIVIL LIABILITIES

15 USC 1709.

SEC. 405. Section 1410 of the Interstate Land Sales Full Disclosure Act is amended to read as follows:

"CIVIL LIABILITIES

"SEC. 1410. (a) A purchaser or lessee may bring an action at law or in equity against a developer or agent if the sale or lease was made in violation of section 1404(a). In a suit authorized by this subsection, the court may order damages, specific performance, or such other relief as the court deems fair, just, and equitable. In determining such relief the court may take into account, but not be limited to, the following factors: the contract price of the lot or leasehold; the amount the purchaser or lessee actually paid; the cost of any improvements to the lot; the fair market value of the lot or leasehold at the time relief is determined; and the fair market value of the lot or leasehold at the time such lot was purchased or leased.

Ante, p. 1128.

"(b) A purchaser or lessee may bring an action at law or in equity against the seller or lessor (or successor thereof) to enforce any right under subsection (b), (c), (d), or (e) of section 1404.

"(c) The amount recoverable in a suit authorized by this section may include, in addition to matters specified in subsections (a) and (b), interest, court costs, and reasonable amounts for attorneys' fees, independent appraisers' fees, and travel to and from the lot.

"(d) Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.".

LIMITATION OF ACTIONS

SEC. 406. Section 1412 of the Interstate Land Sales Full Disclosure Act is amended to read as follows:

15 USC 1711.

"LIMITATION OF ACTIONS

"SEC. 1412. (a) No action shall be maintained under section 1410 with respect to—

Supra.

"(1) a violation of subsection (a)(1) or (a)(2)(D) of section 1404 more than three years after the date of signing of the contract of sale or lease; or

"(2) a violation of subsection (a)(2)(A), (a)(2)(B), or (a)(2)(C) of section 1404 more than three years after discovery of the violation or after discovery should have been made by the exercise of reasonable diligence.

"(b) No action shall be maintained under section 1410 to enforce a right created under subsection (b), (c), (d), or (e) of section 1404 unless brought within three years after the signing of the contract or lease, notwithstanding delivery of a deed to a purchaser.".

ADMINISTRATIVE PROCEDURE

SEC. 407. Section 1416 of the Interstate Land Sales Full Disclosure Act is amended by adding at the end thereof the following:

15 USC 1715.

"(c) The Secretary shall conduct all actions with respect to rulemaking or adjudication under this title in accordance with the provisions of chapter 5 of title 5, United States Code. Notice shall be given of any adverse action or final disposition and such notice and the entry of any order shall be accompanied by a written statement of supporting facts and legal authority.".

CRIMINAL PENALTIES

15 USC 1717.

SEC. 408. Section 1418 of the Interstate Land Sales Full Disclosure Act is amended to read as follows:

"PENALTIES

Rules and regulations.

"SEC. 1418. Any person who willfully violates any of the provisions of this title, or the rules and regulations prescribed pursuant thereto, or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein, shall upon conviction be fined not more than $10,000 or imprisoned not more than five years, or both.".

REPORT TO CONGRESS

15 USC 1720.
15 USC 1701 note.

SEC. 409. The Interstate Land Sales Full Disclosure Act is amended by redesignating sections 1421 and 1422 as sections 1422 and 1423, respectively, and by inserting the following new section after section 1420:

"REPORT TO CONGRESS

15 USC 1719a.

"SEC. 1421. The Secretary shall prepare and submit to the Congress on March 1, 1981, and biennially thereafter a report on the administration of this title and its impact upon the land development industry and purchasers and lessees of undeveloped land. Such report shall include but not be restricted to the analysis of—

"(1) consumer and industry complaints and their resolution, with particular emphasis on the impact of various statutory and regulatory exemptions;

"(2) the effect the State certification has had in encouraging States to provide protection to purchasers of undeveloped land; and

"(3) efforts by the Secretary to simplify registration and disclosure procedures.

The report shall also contain such legislative recommendations as the Secretary deems advisable.".

EFFECTIVE DATE

Regulations.
15 USC 1701 note.

Ante, p. 1123.

SEC. 410. The amendments made by this title shall become effective on the effective date of regulations implementing such amendments, but in no case later than six months following the date of enactment of this Act, except that section 1403(b)(7) of the Interstate Land Sales Full Disclosure Act, contained in the amendment made by section 402, shall become effective on the date of enactment.

TITLE V—RURAL HOUSING

AUTHORIZATIONS

42 USC 1483.

SEC. 501. (a) Section 513 of the Housing Act of 1949 is amended to read as follows:

"AUTHORIZATIONS

"SEC. 513. (a) The Secretary may, as approved in appropriation Acts, insure and guarantee loans under the authorities provided in this title in an aggregate principal amount not to exceed $4,484,000,000 with respect to fiscal year ending September 30, 1980; except that—

"(1) not less than $3,070,000,000 of any amount so approved in appropriation Acts for such year shall be made available for loans insured or guaranteed on behalf of borrowers receiving assistance pursuant to subparagraph (B) or (C) of section 521(a)(1);

42 USC 1490a.

"(2) not more than $38,000,000 of such amount so approved for such fiscal year may be made available for loans insured under section 514; and

Infra.

"(3) not more than $5,000,000 of such amount so approved shall be available for making advances under section 501(e) for such fiscal year.

42 USC 1471.

"(b) There are authorized to be appropriated—

"(1) such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to (A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503, and (B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary;

42 USC 1481.
42 USC 1473.

"(2) not to exceed $48,000,000 for loans and grants pursuant to section 504 for the fiscal year ending September 30, 1980;

42 USC 1474.

"(3) not to exceed $30,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1980;

42 USC 1486.

"(4) not to exceed $1,500,000 for the purposes of section 525(a), of which not less than $750,000 shall be used for counseling purchasers and delinquent borrowers, and not to exceed $1,000,000 for the purposes of section 525(b) for the fiscal year ending September 30, 1980; and

42 USC 1490e.

"(5) such sums as may be required by the Secretary to administer the provisions of sections 235 and 236 of the National Housing Act and section 8 of the United States Housing Act of 1937.".

12 USC 1715z.
12 USC 1715z-1.
42 USC 1437f.

(b) Section 514(d) of such Act is repealed.

Repeal.
42 USC 1484.

(c)(1) Section 521(a)(1)(C) of such Act is amended by adding the following new sentences at the end thereof: "The amount of such additional assistance which may be approved in appropriation Acts may not exceed an aggregate amount of $985,000,000 for contracts entered into with respect to fiscal year 1979 and an aggregate amount of $500,000,000 for contracts entered into with respect to fiscal year 1980. Such additional assistance may not be so approved with respect to any fiscal year after fiscal year 1980.".

42 USC 1490a.

(2) Section 521(c) of such Act is amended by inserting the following new sentence after the first sentence thereof: "There are authorized to be appropriated to the Rural Housing Insurance Fund such sums as may be necessary to reimburse such fund for the amount of assistance payments described in subsection (a)(1)(C).".

(3) Section 521(a)(1) of such Act is amended by striking out subparagraph (H).

(d) Section 523(f) of such Act is amended—

42 USC 1490c.

(1) by striking out the first sentence and inserting in lieu thereof the following: "There is authorized to be appropriated an amount to carry out this section not to exceed $5,000,000 for the fiscal year ending September 30, 1980."; and

(2) by striking out "November 30, 1979" in the second sentence and inserting in lieu thereof "September 30, 1980".

(e) Section 523(g) of such Act is amended by striking out "and not to exceed $3,000,000 for the fiscal year ending September 30, 1979" and inserting in lieu thereof "not to exceed $3,000,000 for the fiscal year ending September 30, 1979, and not to exceed $1,000,000 for the fiscal year ending September 30, 1980".

42 USC 1485.

(f) Section 515(b)(5) of such Act is amended by striking out "November 30, 1979" and inserting in lieu thereof "September 30, 1980".

42 USC 1487.

(g) Section 517(a)(1) of such Act is amended by striking out "November 30, 1979" and inserting in lieu thereof "September 30, 1980".

INTEREST RATE; DEFINITION OF LOW INCOME

42 USC 1490a.

SEC. 502. (a) Section 521(a)(1)(A) of the Housing Act of 1949 is amended by inserting before the period at the end of the first sentence the following: ", except that such loans to provide housing and related facilities for persons or families of moderate income shall bear interest at the rate established by the Secretary of Housing and Urban Development under section 3(a) of Public Law 90-301 with respect to maximum interest rates established for mortgages insured under section 203(b) of the National Housing Act if the Secretary determines that the borrower can afford such higher interest charges".

12 USC 1709-1.
12 USC 1709.

Definitions.
42 USC 1471.

(b) Section 501(b) of such Act is amended by adding at the end thereof the following:

"(4) For the purpose of this title, the term 'persons of low income' and the term 'persons and families of low income' means families and persons whose income do not exceed 80 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that (A) if the Secretary determines that it is impracticable to use the median income for any area, the Secretary may use for such area the median income of all the nonmetropolitan areas in the State, and (B) the Secretary may establish income ceilings higher or lower than 80 per centum of median income on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

"(5) For the purpose of this title, the term 'income' means income from all sources of each member of a household, as determined in accordance with criteria prescribed by the Secretary.".

PREPAYMENT AND REFINANCING OF LOANS UNDER SECTIONS 514 AND 515

42 USC 1472.

SEC. 503. (a) Section 502(b)(2) of the Housing Act of 1949 is amended by inserting the following before the semicolon at the end thereof: ", except that any prepayment of a loan made or insured under section 514 or 515 shall be subject to the provisions of subsection (c)".

42 USC 1484.
42 USC 1485.

(b) Section 502 of such Act is amended by inserting the following new subsection at the end thereof:

"(c)(1) Except as provided in paragraph (2), the Secretary may not accept an offer to prepay, or request refinancing in accordance with subsection (b)(3) of, any loan made or insured under section 514 or 515 of this title pursuant to a contract entered into before or after the date of enactment of this subsection, unless the Secretary takes appropriate action which will obligate the borrower (and successors in interest thereof) to utilize the assisted housing and related facilities for the purposes specified in section 514 or 515, as the case may be, for a period of—

"(A) fifteen years from the date on which the loan was made in the case of a loan made or insured pursuant to a contract entered into before or after the date of enactment of this subsection and utilized for housing and related facilities which have not received assistance under section 521 (a)(1)(B) or (a)(2) of this title or section 8 of the United States Housing Act of 1937; or 42 USC 1490a. 42 USC 1437f.

"(B) twenty years from the date on which the loan was made in the case of any other such loan;

or until the Secretary determines (prior to the end of such period) that there is no longer a need for such housing and related facilities to be so utilized or that Federal or other financial assistance provided to the residents of such housing will no longer be provided.

"(2) In the case of any such loan made or insured pursuant to a contract entered into before the date of enactment of this subsection, the Secretary, after examining an offer to prepay such loan and the likely consequences of accepting such offer, shall accept such offer without taking the appropriate action described in paragraph (1) unless, after such examination, the Secretary determines that—

"(A) due to a change in the use of such housing and related facilities, or to an increase in rental or other charges, likely to occur as a result of prepayment, the low and moderate income and elderly tenants occupying the assisted housing and related facilities at the time of such offer cannot reasonably be expected to remain in occupancy for the applicable period described in paragraph (1), but notwithstanding such a determination, the Secretary shall accept such an offer without taking such appropriate action if such tenants who are likely to be displaced as a result of such changes or increases will be provided with affordable, decent, safe, sanitary, and available alternative housing; or

"(B) in the case of housing and related facilities containing more than ten dwelling units, the changes likely to occur as a result of such prepayment will have a substantial, adverse effect on the supply of affordable, decent, safe, and sanitary housing available to low and moderate income and elderly persons in the area in which such housing and related facilities are located.".

RENTAL ASSISTANCE

SEC. 504. (a) The first sentence of section 521(a)(2)(A) of the Housing Act of 1949 is amended— 42 USC 1490a.

(1) by striking out "public and private nonprofit owners" and inserting in lieu thereof "the owners"; and

(2) by inserting a comma before "congregate".

(b) Section 521(a)(2)(A) of the Housing Act of 1949 is amended—

(1) by striking out "20 per centum" each place it appears in the second sentence and inserting in lieu thereof "70 per centum";

(2) by inserting "to a public or private nonprofit owner" after "section 514" the first time it appears in clause (i) of the second sentence; and 42 USC 1484.

(3) by inserting after the second sentence the following: "In approving projects for assistance under this paragraph, the Secretary shall give a priority to projects in which assistance is provided to 40 per centum or fewer of the units contained in the project.".

TRAINING FOR SELF-HELP HOUSING

SEC. 505. Section 523(b) of the Housing Act of 1949 is amended— 42 USC 1490c.

(1) by striking out "and" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) to make grants to, or contract with, national or regional private nonprofit corporations to provide training and technical assistance to public or private nonprofit corporations, agencies, institutions, organizations, and other associations eligible to receive assistance under this section in order to expand the use of authorities contained in this section and to improve performance; and".

REFINANCING

42 USC 1471.

SEC. 506. Section 501(a)(4) of the Housing Act of 1949 is amended by inserting "and" after the comma at the end of subparagraph (A), and by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B)(i) if not refinanced, is likely to result (because of circumstances beyond the control of the applicant) at an early date in the loss of the applicant's necessary dwelling or essential farm service buildings, or

"(ii) if combined (in the case of a dwelling that the Secretary finds not to be decent, safe, and sanitary) with a loan for improvement, rehabilitation, or repairs and not refinanced, is likely to result in the applicant's continuing to be deprived of a decent, safe, and sanitary dwelling.".

PROPERTY DISPOSITION

42 USC 1480.

SEC. 507. Section 510(e) of the Housing Act of 1949 is amended—

(1) by inserting ", to repair and rehabilitate such property," after "United States therein"; and

(2) by inserting before the semicolon at the end thereof the following: "; except that the Secretary may not sell or otherwise dispose of such property unless (1) the Secretary assures that such property will meet decent, safe, and sanitary standards, (2) the recipient of the property is obligated, as a condition of the sale or other disposition of the property, to meet such standards with respect to the property before such property is occupied, or (3) such recipient is precluded, as a condition of the sale or other disposition of the property, from using the property for residential purposes".

CONSTRUCTION DEFECTS

42 USC 1479.

SEC. 508. Section 509(c) of the Housing Act of 1949 is amended by striking out "within eighteen months after such date of enactment" in the first sentence and inserting in lieu thereof "within thirty-six months after such date of enactment".

FARM LABOR HOUSING ASSISTANCE

42 USC 1486.

SEC. 509. Section 516 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(h) Notwithstanding the provisions of subsection (a)(3), the Secretary may, upon a finding of persistent need for migrant farmworker housing in any area, provide assistance to eligible applicants for 90 per centum of the development costs of such housing in such area to be used solely by migrant farmworkers while they are away from their residence. Such housing shall be constructed in such a manner as to be safe and weatherproof for the time it is to be occupied, be equipped with potable water and modern sanitation facilities (including a kitchen sink, toilet, and bathing facilities), and meet such other requirements as the Secretary may prescribe.".

INCREASE IN THE CEILING FOR SECTION 504(a) LOANS AND LOAN-GRANT COMBINATIONS

SEC. 510. The second sentence of section 504(a) of the Housing Act of 1949 is amended to read as follows: "No assistance shall be extended to any individual or family under this subsection in the form of a grant in excess of $5,000, and no assistance shall be extended to any individual or family under this subsection in the form of a loan or a combined loan and grant in excess of $7,500.".

42 USC 1474.

ASSISTANCE ALLOCATION

SEC. 511. Section 517(o) of the Housing Act of 1949 is amended—

42 USC 1487.

(1) by inserting "(1)" before "At"; and

(2) by adding the following new paragraph at the end thereof: "(2) At least 30 per centum of the assistance made available in any area of any State pursuant to this title in any fiscal year shall, to the extent practicable, benefit persons with incomes below 50 per centum of the median income which is determined for that area in accordance with section 501(b)(4).".

42 USC 1471.

TITLE VI—CRIME INSURANCE, RIOT REINSURANCE, AND FLOOD INSURANCE EXTENSIONS

EXTENSIONS OF CRIME AND RIOT INSURANCE PROGRAM

SEC. 601. Section 1201 of the National Housing Act is amended—

41 USC 1749bbb.

(1) by striking out in subsection (b)(1), "September 30, 1980" and inserting in lieu thereof "September 30, 1981";

(2) by striking out, in subsection (b)(1)(A), "September 30, 1983" and inserting in lieu thereof "September 30, 1984"; and

(3) by striking out, in subsection (b)(2), "or as soon thereafter as possible,".

EXTENSION OF FLOOD INSURANCE PROGRAM

SEC. 602. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

42 USC 4026.

(b) Section 1336(a) of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

42 USC 4056.

(c) Section 1376(c) of such Act is amended by striking out "and not to exceed $114,000,000 for the fiscal year 1979" and inserting in lieu

42 USC 4127.

thereof the following: "not to exceed $114,000,000 for the fiscal year 1979, and not to exceed $74,000,000 for the fiscal year 1980".

TRANSFER OF FLOOD INSURANCE ADMINISTRATOR

SEC. 603. (a) Section 1105(a) of the Urban Property Protection and Reinsurance Act of 1968 (title XI of the Housing and Urban Development Act of 1968) is amended by striking out "Department of Housing and Urban Development" and substituting in lieu thereof "Federal Emergency Management Agency". 42 USC 3533a.

(b) Section 5315(91) of title 5, United States Code, is amended by striking out "Department of Housing and Urban Development" and substituting in lieu thereof "Federal Emergency Management Agency".

Approved December 21, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-154 (Comm. on Banking, Finance and Urban Affairs) and No. 96-706 (Comm. of Conference).

SENATE REPORTS: No. 96-145 accompanying S. 903, No 96-157 accompanying S. 1064, and No. 96-164 accompanying S. 1149 (Comm. on Banking, Housing, and Urban Affairs) and No. 96-496 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 31, June 4-7, considered and passed House.
July 12, 13, S. 903, S. 1064, and S. 1149, considered in Senate.
July 13, H.R. 3875 considered and passed Senate, amended, in lieu of S. 903, S. 1064, and S. 1149.
Dec. 18, Senate agreed to conference report.
Dec. 19, House agreed to conference report.

Public Law 96-154
96th Congress

An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes.

Dec. 21, 1979
[H.R. 5359]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of Defense Appropriation Act, 1980.

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $9,668,819,000.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; $6,857,256,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); $2,089,457,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $7,863,817,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $606,400,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or personnel (other than members of the Training and the Administration of the Reserve program) while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $240,902,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $88,100,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $214,400,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $867,250,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $272,500,000.

TITLE II

RETIRED MILITARY PERSONNEL

Retired Pay, Defense

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; $11,451,500,000.

10 USC 1448 note.
10 USC 1431 *et seq.*

TITLE III

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $3,231,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $9,915,368,000, of which not less than $457,100,000 shall be available only for the maintenance of real property facilities.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $1,494,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $13,272,245,000, of which not less than $386,100,000 shall be available only for the maintenance of real property facilities: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than $2,400,000,000 shall be available for the performance of such work in Navy shipyards of which not less than $22,000,000 shall be available for such work only at the Ship Repair Facilities, Guam: *Provided further*, That such amounts of the funds available for work only at the Ship Repair Facilities, Guam, may be used for work in other Navy shipyards in amounts equal to the amount of work placed at the Ship Repair Facilities, Guam, funded from other sources.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $802,046,000, of which not less than $98,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $2,918,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $10,459,750,000, of which not less than $654,800,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $3,528,214,000: *Provided*, That not to exceed $4,154,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That not less than $51,600,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $420,644,000, of which not less than $24,045,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $396,436,000, of which not less than $13,800,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $21,923,000, of which not less than $1,275,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $429,407,000, of which not less than $13,500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $797,150,000, of which not less than $17,260,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; $1,089,687,000, of which not less than $20,000,000 shall be available only for the maintenance of real property facilities.

National Board for the Promotion of Rifle Practice, Army

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $397,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $340,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311.

Claims, Defense

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; $98,200,000.

Court of Military Appeals, Defense

For salaries and expenses necessary for the United States Court of Military Appeals; $2,030,000, and not to exceed $1,500 can be used for official representation purposes.

Foreign Currency Fluctuations, Defense

For foreign currency fluctuations, Defense; $470,000,000, to remain available until expended.

XIII Olympic Winter Games

For logistical support and personnel services (other than pay and non-travel related allowances of members of the Armed Forces of the United States) to the XIII Olympic Winter Games; $10,000,000. During the current fiscal year, the Secretary of Defense may transfer the funds made available for this purpose to any appropriation contained in title III of this Act or any subdivision thereof: *Provided*, That funds transferred pursuant to this authority shall be merged with and made available for the same purpose as the appropriation to which transferred: *Provided further*, That transfer authority provided herein shall be in addition to that provided in section 734 of this Act.

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TITLE IV

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $961,837,000, to remain available for obligation until September 30, 1982.

40 USC 255.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,140,800,000, to remain available for obligation until September 30, 1982.

Procurement of Weapons and Tracked Combat Vehicles, Army

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,824,100,000, and in addition, $12,100,000 which shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1979/1981", to remain available for obligation until September 30, 1982: *Provided,* That no funds in excess of $224,700,000 shall be available for Fighting Vehicle Systems production unless and until the Secretary of Defense certifies to the Committee on Appropriations that the reliability, availability, maintainability, and durability criteria specified in the program contracts shall have been met: *Provided further,* That no funds in excess of $389,900,000 shall be available for XM-1 tank production unless and until the Secretary of Defense certifies to the Committee on Appropriations that the reliability, availability, maintainability, and durability criteria specified in the program contracts shall have been met.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,232,800,000, to remain available for obligation until September 30, 1982.

40 USC 255.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed sixty-one passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,435,410,000, and in addition, $47,000,000 which shall be derived by transfer from "Other Procurement, Army, 1979/1981", to remain available for obligation until September 30, 1982.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,441,446,000, to remain available for obligation until September 30, 1982.

WEAPONS PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,988,214,000, and in addition, $8,300,000 which shall be derived by transfer from "Weapons Procurement, Navy, 1979/1981", to remain available for obligation until September 30, 1982.

40 USC 255.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, $1,120,850,000; for the T-AK FBM resupply ship conversion program, $6,500,000; for the SSN-688 nuclear attack submarine program, $772,600,000; and in addition, $21,200,000 which shall be derived by transfer from SSN-688 nuclear attack submarine program in "Shipbuilding and Conversion, Navy 1979/1983"; for the aircraft carrier service life extension program, $44,000,000; for the CVN Nimitz class aircraft carrier program, $2,094,000,000; for the DDG-47 Aegis destroyer program, $820,200,000; for the FFG-7 guided missile frigate program, $1,204,200,000; for the T-AGOS SURTASS ship program, $34,600,000; for the LSD-41 ship program, $41,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, $433,900,000; and in addition, $55,000,000 which shall be derived by transfer from DDG-2 modernization program in "Shipbuilding and Conversion, 1979/1983"; in all: $6,571,850,000, and in addition, $76,200,000 to be derived by transfer, to remain available for obligation until September 30, 1984: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed three hundred and twenty-seven passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,590,056,000, and in addition, $34,700,000, of which $29,600,000 shall be derived by transfer from "Other Procurement, Navy, 1978/1980", and $5,100,000 shall be derived by transfer from "Other Procurement, Navy, 1979/1981", to remain available for obligation until September 30, 1982.

40 USC 255.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and vehicles for the Marine Corps, including purchase of not to exceed one hundred and forty-six passenger motor vehicles for replacement only; $283,785,000, to remain available for obligation until September 30, 1982.

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

In addition to any other funds authorized to be appropriated under this heading, there is hereby authorized to be appropriated during fiscal year 1980 an additional amount of $75,400,000 only for the procurement of F-100 engine initial and replenishment spare parts.

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,965,240,000, and in addition, $13,800,000, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1979/1981", of which $243,100,000 shall be available for contribution of the United States' share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States' share of contingent liability in connection with the NATO E-3A Cooperative Programme, and in addition, $106,000,000 from the proceeds of the sale of aircraft to Egypt received during fiscal year 1979 or fiscal year 1980 may be credited to this appropriation, to remain available for obligation until September 30, 1982.

MISSILE PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,160,385,000, and in addition, $15,000,000, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1977/1979", to remain available for obligation until September 30, 1982. 40 USC 255.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one hundred and sixty passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $2,684,031,000, and in addition, $13,600,000, of which $10,600,000 shall be derived by transfer from "Other Procurement, Air Force, 1979/1981", and $3,000,000 shall be derived by transfer from "Aircraft Procurement, Air Force, 1977/1979", to remain available for obligation until September 30, 1982.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed two hundred and twenty-one passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $280,185,000, to remain available for obligation until September 30, 1982. 40 USC 255.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,853,331,000, and in addition, $2,000,000 which shall be derived by transfer from "Research, Development, Test, and Evaluation, Army, 1979/1980", to remain available for obligation until September 30, 1981.

Research, Development, Test, and Evaluation, Navy

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,537,433,000, and in addition, $15,886,000 which shall be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1979/1980", to remain available for obligation until September 30, 1981.

Research, Development, Test, and Evaluation, Air Force

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,941,943,000, and in addition, $81,230,000, of which $34,900,000 shall be derived by transfer from "Aircraft Procurement, Air Force, 1977/1979", $2,330,000 shall be derived by transfer from "Research, Development, Test, and Evaluation, Air Force, 1978/1979", and $44,000,000 shall be derived by transfer from "Research, Development, Test, and Evaluation, Air Force, 1979/1980", to remain available for obligation until September 30, 1981. None of the funds appropriated under this paragraph to continue development of the MX Missile may be used in a fashion which would commit the United States to only one basing mode for the MX missile system.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $1,037,022,000, to remain available for obligation until September 30, 1981: *Provided,* That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

Transfer and merger of funds.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $42,500,000, to remain available for obligation until September 30, 1981.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $6,667,000, to remain available for obligation until September 30, 1981: *Provided,* That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VII

GENERAL PROVISIONS

SEC. 701. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for purposes of the demilitarization of small firearms.

Demilitarization of small firearms, prohibition.

SEC. 702. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or propaganda, prohibition.

Experts and consultants.

SEC. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Employment of noncitizens. 31 USC 700.

SEC. 704. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Appropriations availability.

SEC. 705. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement to General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

Prisoners of war. 31 USC 649a.

SEC. 706. Any appropriation available to the Army, Navy, or Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Land acquisition.

SEC. 707. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

Appropriations availability.

SEC. 708. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) for transportation to primary and secondary schools of minor dependents of military and civilian personnel of the Department of Defense as authorized for the Navy by section 7204 of title 10, United States Code; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of title 43, United States Code, section 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property for twelve months beginning at any time during the fiscal year; and (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended.

Civilian clothing.

Payments under leases.

22 USC 2385.

Appropriations availability.
10 USC 858 note.

SEC. 709. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in non-military facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by law (10 U.S.C. 7208); (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $75 in any one case; and (k) expenses of arrangements with foreign countries for cryptologic support.

10 USC 807 note.

Small and minority business assistance.

SEC. 710. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Mess operations.

SEC. 711. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians, except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursements of operating expenses and food costs to the appropriations concerned: *Pro-*

vided, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than $2.50 per day: *Provided further,* That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further,* That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

Fiscal year limitation.

SEC. 712. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Metal and aluminum scrap operations. 50 USC 100a.

SEC. 713. During the current fiscal year no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap bailing or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

SEC. 714. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

31 USC 665.

Airborne alert expenses.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

Military personnel increases, expenses.

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

Report to Congress.

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

Commissary stores.

SEC. 715. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenues from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Free utilities outside continental U.S. and in Alaska.

SEC. 716. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

Proficiency flying.

SEC. 717. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Household goods.

SEC. 718. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Vessels, transfer.
40 USC 483a.

SEC. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

Obligated funds, limitation.

ROTC training.

SEC. 720. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Foreign real property, use.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

31 USC 700a.

Heating plant conversion, prohibition.

Report to Congress and OMB.

Research and development funds.

SEC. 721. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Education expenses, restrictions.

SEC. 722. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel (except with regard to such charges of educational institutions for military personnel in off-duty high school completion programs, for which payment of 100 per centum may be made), nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

ROTC loyalty requirements. 10 USC 2103 note.

SEC. 723. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

Procurement restrictions.

SEC. 724. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided,* That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 814 of the Department of Defense Appropriation Authorization Act, 1976: *Provided further,* That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further,* That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic

Specialty metals or chemical warfare protective clothing, procurement.

22 USC 2776.
89 Stat. 540.
Foods, procurement.
Economic dislocations, price differentials, prohibition of payment.

Contract awards, formally advertised competitive bids.

dislocations: *Provided further,* That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

Service facilities.

SEC. 725. None of the funds appropriated by this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Inactive duty training pay.

SEC. 726. None of the funds appropriated by this Act may be obligated under section 206 of title 37, United States Code, for inactive duty training pay of a member of the National Guard or a member of a reserve component of a uniformed service for more than four periods of equivalent training, instruction, duty or appropriate duties that are performed instead of that member's regular period of instruction or regular period of appropriate duty.

Household furnishings and automobiles, purchase.

SEC. 727. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Uniforms.

SEC. 728. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

Legislative liaison activities.

SEC. 729. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $6,900,000 for fiscal year 1980: *Provided,* That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Civil reserve air fleet.

SEC. 730. Of the funds made available by this Act for the services of the Military Airlift Command, $100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided,* That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

Civilian clothing.

SEC. 731. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense contractors' advertising costs.

SEC. 732. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

New facilities, restriction.

SEC. 733. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of $100,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Funds, transfer.

SEC. 734. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

Notification of Congress.

Contract payments in foreign countries.

SEC. 735. None of the funds appropriated by this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Working capital funds.

SEC. 736. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Notification of Congress.

Federal Employees Compensation Fund.

SEC. 737. Not more than $179,900,000 of the funds appropriated by this Act shall be made available for payment to the Federal Employees Compensation Fund, as established by 5 U.S.C. 8147.

Convicted rioters.

SEC. 738. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Campus disrupters.

SEC. 739. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Heating plant conversion.

SEC. 740. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

Involuntary experimental subjects.

SEC. 741. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects.

SEC. 742. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

Reprogramming of funds.

SEC. 743. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Health care, restrictions.

SEC. 744. No funds appropriated by this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence.

SEC. 745. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; (e) reconstructive surgery justified solely on psychiatric needs including, but not limited to, mammary augmentation, face lifts and sex gender changes; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (g) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, certified nurse-midwife, or, for the purpose of conducting a test during fiscal year 1980, by a certified psychiatric nurse or other certified nurse practitioner, as appropriate, except as authorized by section 1079(a)(4) of title 10, United States Code.

Senior Reserve Officers' Training Corps, pay.

SEC. 746. Funds appropriated in this Act shall be available for the appointment, pay, and support of persons appointed as cadets and midshipmen in the two-year Senior Reserve Officers' Training Corps course in excess of the 20 percent limitation on such persons imposed by section 2107(a) of title 10, United States Code, but not to exceed 60 percent of total authorized scholarships.

Unused accrued leave.

SEC. 747. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

Enlisted aides, limitation.

SEC. 748. None of the funds appropriated by this Act may be used to support more than 300 enlisted aides for officers in the United States Armed Forces.

Public affairs activities.

SEC. 749. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of $25,000,000.

SEC. 750. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided,* That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in 31 U.S.C. 484.

22 USC 2777.

22 USC 2761.

Medical care evaluation test. Transfer and merger of funds.

SEC. 751. During the current fiscal year, for the purpose of conducting a test to evaluate a capitation approach to providing medical care and to that end for the purpose of providing adequate funds in Department of Defense Medical Regions 1 and 7 for medical care, including the expenses of the Civilian Health and Medical Program of the Uniformed Services, funds available to the Department of Defense in the appropriation "Operation and Maintenance, Defense Agencies" for expenses of the Civilian Health and Medical Program of the Uniformed Services may be transferred to appropriations available to the military departments for operation and maintenance, and funds available to the military departments for operation and maintenance may be transferred between such appropriations: *Provided,* That funds transferred pursuant to this authority shall be merged with and made available for the same purpose as the appropriation to which transferred: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: *Provided further,* That transfer

Notification of Congress.

authority provided herein shall be in addition to that provided in section 734 of this Act.

Senior Reserve Officers' Training Corps.

SEC. 752. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1979, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision.

Limitations.

SEC. 753. (a) None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person.

(b) The limitation set forth in subsection (a) is not applicable to employees whose duties require official travel in excess of fifty percent of the total number of the basic administrative work weeks during the current fiscal year.

Retainer pay.

SEC. 754. (a) None of the funds appropriated by this Act shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330(d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of title 10: *Provided*, That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement: *Provided further*, That notwithstanding the foregoing, time may be credited as active service in determining a member's eligibility for retirement under section 6330(b) of title 10 pursuant to the provisions of the first sentence of section 6330(d) of title 10 for those members who had formally requested transfer to the Fleet Reserve or the Fleet Marine Corps Reserve on or before October 1, 1977.

(b) None of the funds appropriated by this Act shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under the second sentence of section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

Central Intelligence Agency.

SEC. 755. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year.

SEC. 756. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

Morale, welfare, and recreation activities.

SEC. 757. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated July 17, 1974.

Loan guarantees.

SEC. 758. During the current fiscal year, the Department of Defense may guarantee loans pursuant to title III of the Defense Production Act of 1950 as amended (50 U.S.C. App. 2091, 64 Stat. 800) in an amount not to exceed $30,000,000.

SEC. 759. None of the funds appropriated by this Act may be used for the consolidation or realignment of advanced or undergraduate pilot training squadrons of the Navy as currently proposed by the Department of Defense.

SEC. 760. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 761. None of the funds appropriated by this Act shall be obligated under the Competitive Rate Program of the Department of Defense for the transportation of household goods to or from Alaska or Hawaii.

Abortion, limitations.

SEC. 762. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service;

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 763. None of the funds appropriated by this Act shall be available after July 1, 1980, to convert civilian technician positions that support the reserve components to military positions.

Surplus property, user charge.

SEC. 764. None of the funds appropriated by this Act shall be available for paying to the Administrator of the General Services Administration the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), for space and services for any month after January 1, 1980, unless the Administrator has in effect, during that month, regulations, provided for by section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)), that require the recovery of the costs of care and handling of surplus property under the control of the Department of Defense that is disposed of under the provisions of that section.

Defense cryptologic activities.

SEC. 765. During the current fiscal year, funds appropriated by this Act shall be available to provide for the lease of a facility, regardless of location, designated by the Secretary of Defense for cryptologic purposes; and for alterations, improvement, and repair of that facility notwithstanding any other provisions of law. Funding for lease, alterations, improvement, and repair shall not exceed one million dollars. Further, funds appropriated by this Act shall be available to provide support in accordance with sections 4 and 8 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403e and 403j), to certain Department of Defense cryptologic personnel stationed overseas as designated by the Secretary of Defense.

Teachers with Canal Zone Government. Basic compensation.

SEC. 766. None of the funds appropriated by this Act or any other Act appropriating funds for fiscal year 1980 or for subsequent fiscal years shall be available to pay the basic compensation of an individual employed on September 30, 1979, as a teacher or in a teaching position with the Canal Zone Government who is transferred to such a position in the Department of Defense in an amount in excess of the greater of:

(a) the amount of basic compensation an individual with comparable experience and level of education is entitled to receive pursuant to section 5(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(c)); or

(b) for fiscal year 1980—the amount to which such individual was or would have been entitled to receive based on the established rates of basic compensation in effect on September 30, 1979, for such employees of the Canal Zone Government, plus seven percent of that amount: *Provided*, That this limitation shall not preclude a proportionate adjustment in the basic compensation of such an individual to reflect an increase in the number of working days in the school year as a result of the transfer; or

(c) for fiscal year 1981 and subsequent fiscal years—the amount payable based on the rates of basic compensation in effect (including the limitations contained in this section) on September 30th of the fiscal year preceding the fiscal year for which payment is to be made, plus an amount equal to one-half of the increase in basic compensation for the school year in progress on October 1st in the fiscal year for which payment is to be made compared to the basic compensation for the previous school year, that an individual with comparable experience and level of education is entitled to receive pursuant to section 5(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(c)).

Inventory supplies. 10 USC 2208 note.

SEC. 767. Supplies available in inventories financed by working capital funds established pursuant to section 2208 of title 10, United States Code, may hereafter be sold to contractors for use in performing contracts with the Department of Defense.

Military retirement pay.

SEC. 768. None of the funds appropriated by this Act shall be available to pay the retired pay of a person whose military retirement is based on a physical disability who, on or after November 1, 1979, is retired under section 8337 of title 5, United States Code, on the basis of the same disability upon which his military retirement is based: *Provided*, That the foregoing limitation shall not apply to a person who had applied for retirement under section 8337 of title 5, United States Code, prior to November 1, 1979: *Provided further*, That the foregoing limitation shall not apply to a person who is retired upon application of his employing agency under the provisions of section 8337 of title 5, United States Code, or who is mentally incompetent.

SEC. 769. None of the funds appropriated by this Act shall be used for the provision, care or treatment to dependents of members or former members of the Armed Services or the Department of Defense for the elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

Civilian early warning system.

SEC. 770. The Secretary of the Air Force shall acquire and install, with such funds as may be available to him, a civilian early warning system at each Titan II missile site to the extent found necessary or desirable by the study conducted pursuant to section 813 of the Department of Defense Authorization Act, 1980.

TITLE VIII

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; $11,527,000.

PAYMENT TO THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY FUND

For payment to the Central Intelligence Agency Retirement and Disability Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $51,600,000.

Short title.

This Act may be cited as the "Department of Defense Appropriation Act, 1980".

Approved December 21, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-450 (Comm. on Appropriations) and No. 96-696 (Comm. of Conference).
SENATE REPORT No. 96-393 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- Sept. 26-28, considered and passed House.
- Nov. 6, 9, considered and passed Senate, amended.
- Dec. 12, House agreed to conference report; concurred in certain Senate amendments, in others with amendments.
- Dec. 13, Senate agreed to conference report; concurred in House amendments.

Public Law 96-155
96th Congress

An Act

To amend the Act incorporating the American Legion so as to redefine eligibility for membership therein.

Dec. 21, 1979
[S. 1874]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to incorporate the American Legion", approved September 16, 1919 (41 Stat. 285; 36 U.S.C. 45), is hereby amended to read as follows:

American Legion. Membership eligibility, redefinition.

"SEC. 5. No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any of the governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.".

Approved December 21, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-675 accompanying H.R. 5583 (Comm. on the Judiciary).
SENATE REPORT No. 96-450 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 14, considered and passed Senate.
Dec. 17, considered and passed House in lieu of H.R. 5583

Public Law 96-156
96th Congress

An Act

Dec. 27, 1979
[S. 716]

To amend the Retired Federal Employees Health Benefits Act, as amended, with respect to the Government contribution toward subscription charge.

Retired Federal Employees Health Benefits Act, amendment.
Subscription charge, Government contribution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Retired Federal Employee Health Benefits Act (Public Law 86–724; 74 Stat. 850), as amended, is amended to read as follows:

42 USC 1395r.

"SEC. 4. If a retired employee enrolls for self-only in the health benefits plan provided for by section 3 of this Act, the Government shall contribute each month toward his subscription charge an amount equal to the current monthly premium of an individual for such month under section 1839(c)(3) of the Social Security Act. The Government contribution for a retired employee enrolled for self and family shall be twice the contribution for one enrolled for self-only. A retired employee may not receive a Government contribution for more than one plan, nor may a retired employee receive a Government contribution if he is covered under the enrollment of another employee or retired employee who is receiving a Government contribution toward his enrollment. The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act.".

42 USC 1395j.

(b) Subsection (a) of section 6 of such Act is amended—

(1) by striking out "appropriate Government contribution established by the Commission pursuant to section 4(a) of the Act" and inserting "Government contribution under section 4 of this Act"; and

(2) by adding at the end thereof the following new sentence: "The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act.".

(c) The amendments made by this Act shall apply to contributions made by the Government on or after the later of—

(1) the first day of the first month beginning after the date of the enactment of this Act, or

(2) October 1, 1979.

Approved December 27, 1979.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-154 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 22, considered and passed Senate.
Dec. 17, considered and passed House.

Public Law 96-157
96th Congress

An Act

To restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

Dec. 27, 1979
[S. 241]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Justice System Improvement Act of 1979".

Justice System Improvement Act of 1979.
42 USC 3701 note.

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—JUSTICE SYSTEM IMPROVEMENT

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"Sec. 103. Office of Community Anti-Crime Programs.

"PART B—NATIONAL INSTITUTE OF JUSTICE

"Sec. 201. National Institute of Justice.
"Sec. 202. Establishment, duties, and functions.
"Sec. 203. Authority for 100 per centum grants.
"Sec. 204. National Institute of Justice Advisory Board.

"PART C—BUREAU OF JUSTICE STATISTICS

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"Sec. 302. Establishment, duties, and functions.
"Sec. 303. Authority for 100 per centum grants.
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"Sec. 501. Purpose.
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"Sec. 503. Procedure for designating national priority programs.
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"Sec. 819. Authority to accept voluntary services.
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"Sec. 821. Prohibition on land acquisition.
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"Sec. 901. Definitions.

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"PART M—TRANSITION—EFFECTIVE DATE—REPEALER

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"DECLARATION AND PURPOSE

"The Congress finds and declares that the high incidence of crime in the United States is detrimental to the general welfare of the Nation and its citizens, and that criminal justice efforts must be better coordinated, intensified, and made more effective and equitable at all levels of government. 42 USC 3701.

"Congress further finds that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency by developing and implementing effective programs to improve the quality of juvenile justice in the United States.

"Congress further finds that there is an urgent need to encourage basic and applied research, to gather and disseminate accurate and comprehensive justice statistics, and to evaluate methods of preventing and reducing crime.

"Congress further finds that although crime is essentially a local problem that must be dealt with by State and local governments, the financial and technical resources of the Federal Government should be made available to support such State and local efforts.

"Congress further finds that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable and effective justice systems which require: (1) systematic and sustained action by Federal, State, and local governments; (2) greater continuity in the scope and level of Federal assistance; and (3) continuing efforts at all levels of government to streamline programs and upgrade the functioning of agencies responsible for planning, implementing and evaluating efforts to improve justice systems.

"It is therefore the declared policy of the Congress to aid State and local governments in strengthening and improving their systems of criminal justice by providing financial and technical assistance with maximum certainty and minimum delay. It is the purpose of this title to (1) authorize funds for the benefit of States and units of local government to be used to strengthen their criminal justice system; (2) develop and fund new methods and programs to enhance the effectiveness of criminal justice agencies; (3) support the development of city, county, and statewide priorities and programs to meet the problems confronting the justice system; (4) reduce court congestion and trial delay; (5) support community anticrime efforts; (6) improve and modernize the correctional system; (7) encourage the undertaking of innovative projects of recognized importance and effectiveness; (8) encourage the development of basic and applied research directed toward the improvement of civil and criminal justice systems and new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals; (9) encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, civil disputes, and the operation of justice systems; and (10) support manpower development and training efforts. It is further the policy of the Congress that the Federal assistance made available under this title not be utilized to reduce the amount of State and local financial support for criminal justice activities below the level of such support prior to the availability of such assistance.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"ESTABLISHMENT OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

42 USC 3711.

"SEC. 101. There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as the 'Administration'). The Administration shall be under the direction of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and such other Deputy Administrators as may be designated by the Attorney General. The Administrator shall have final authority over all grants, cooperative agreements, and contracts awarded by the Administration.

"DUTIES AND FUNCTIONS OF ADMINISTRATOR

42 USC 3712.

"SEC. 102. The Administrator shall—

"(1) provide funds to eligible States and units of local government pursuant to part D;

"(2) recognize national criminal justice priorities established in accordance with parts E and F, inform States and units of local government concerning such priorities and award and allocate funds and technical assistance among the eligible States, units of local government, and public and private nonprofit organizations according to the criteria and on the terms and conditions determined by the Administration to be consistent with parts E and F; *Post*, pp. 1192, 1195.

"(3) publish and disseminate information on the condition and progress of the criminal justice system;

"(4) establish and carry on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the Administration affecting State and local criminal justice priorities;

"(5) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(6) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or agencies involved in victim-witness assistance activities and the post-arrest identification and prosecution of career criminals;

"(7) provide funds and technical assistance to eligible jurisdictions under this title for the development of operational information and telecommunications systems;

"(8) exercise the powers and functions set out in part H; and *Post*, p. 1201.

"(9) exercise such other powers and functions as may be vested in the Administrator pursuant to this title.

"OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

Establishment. 42 USC 3713.

"SEC. 103. (a) There is established in the Law Enforcement Assistance Administration the Office of Community Anti-Crime Programs (hereinafter in this section referred to as the 'Office'). The Office shall be under the direction of the Administrator and shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to—

"(A) apply for grants which encourage community and citizen participation in crime prevention and criminal justice activities;

"(B) participate in the formula grant application process pursuant to section 402(f) of this title;

"(C) provide program development and encouragement of neighborhood and community participation in crime prevention and public safety efforts; and

"(D) implement programs and projects assisted with grants under subsection (b).

"(2) coordinate its activities with other Federal agencies and programs, including the Community Relations Service of the Department of Justice, which are designed to encourage and assist citizen participation in criminal justice activities;

"(3) provide information on successful programs of citizen and community participation to citizen and community groups;

"(4) review, at its discretion, formula grant applications submitted under section 403 of this title in order to assure that the requirements for citizen, neighborhood, and community participation in the application process have been met; and

"(5) make recommendations, after consultation with citizen, neighborhood, and community organizations, for the designation of effective community anticrime programs for funding as national priority grants under part E and discretionary grants under part F.

Post, p. 1192.
Post, p. 1195.
Grants, use.

"(b) The Administration is authorized to make grants to be administered by the Office of Community Anti-Crime Programs to community and citizens groups, which grants shall be used—

"(1) to enable the community to engage in a process leading to the identification of problems facing that community with respect to crime or conflicts, disputes, and other problems that might lead to crime;

"(2) to provide for the consideration by the community of plans to alleviate such problems with special attention to projects that—

"(A) have been successful in other communities in dealing with the same or similar problems;

"(B) provide alternatives to the criminal justice system in resolving conflicts and disputes and in repairing the injuries suffered;

"(C) promote increased citizen participation and confidence in the processes used to resolve conflicts and disputes; and

"(D) address the social and economic causes of crime.

"(3) to enable community and citizen groups to participate in assistance programs under this title, but no grant under this section may be used principally to seek technical assistance or a grant under this title;

"(4) to conduct training of community groups in the management of grants and such other skills as the Office determines are necessary to enhance the involvement of neighborhoods and citizens in community crime prevention and dispute resolution projects; and

"(5) to carry out projects determined to be likely to alleviate the community's crime problems as identified through the process set forth in this subsection.

"(c) In carrying out the functions under this part the Administrator shall make appropriate provisions for coordination among neighborhoods and for consultation with locally elected officials.

"PART B—NATIONAL INSTITUTE OF JUSTICE

"NATIONAL INSTITUTE OF JUSTICE

42 USC 3721.

"SEC. 201. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

"(1) improving Federal, State, and local criminal justice systems and related aspects of the civil justice system;

"(2) preventing and reducing crimes;

"(3) insuring citizen access to appropriate dispute-resolution forums;

"(4) improving efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption; and

"(5) identifying programs of proven effectiveness, programs having a record of proven success, or programs which offer a high probability of improving the functioning of the criminal justice system.

Research and development authority.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part, the Institute shall give primary emphasis to the problems of State and local justice systems and shall insure that there is a balance between basic and applied research.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

42 USC 3722.

"SEC. 202. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this part as the 'Institute').

"(b) The Institute shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in justice research. The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangement under this title.

"(c) The Institute is authorized to—

Grants.

"(1) make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

"(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

"(A) to identify alternative programs for achieving system goals, including programs authorized by section 103 of this title;

"(B) to provide more accurate information on the causes and correlates of crime;

"(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

"(D) to improve the functioning of the criminal justice system;

"(E) to develop new methods for the prevention and reduction of crime, the prevention and reduction of parental kidnaping, including the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

"(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

Public and private research agencies, assistance.

"(3) evaluate the effectiveness of projects or programs carried out under this part;

"(4) evaluate, where the Institute deems appropriate, the programs and projects carried out under other parts of this title to determine their impact upon the quality of criminal and civil justice systems and the extent to which they have met or failed to meet the purposes and policies of this title, and disseminate such information to State agencies and, upon request, to units of local government and other public and private organizations and individuals;

"(5) make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

"(6) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

"(7) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

"(8) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

"(9) submit a biennial report to the President and Congress on the state of justice research. This report shall describe significant achievements and identify areas needing further study. Other Federal agencies involved in justice research shall assist, upon request, in the preparation of this report;

"(10) after consultation with appropriate agencies and officials of States and units of local government, make recommendations for the designation of programs or projects which will be effective in improving the functioning of the criminal justice system, for funding as national priority grants under part E and discretionary grants under part F; and

Post, p. 1195.

"(11) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services.

"(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Director is authorized to—

"(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

"(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development; and

Post, p. 1201.

"(5) exercise the powers and functions set out in part H.

"AUTHORITY FOR 100 PER CENTUM GRANTS

42 USC 3723.

"SEC. 203. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"NATIONAL INSTITUTE OF JUSTICE ADVISORY BOARD

Establishment.
42 USC 3724.

"SEC. 204. (a) There is hereby established a National Institute of Justice Advisory Board (hereinafter in this section referred to as the 'Board'). The Board shall consist of twenty-one members who shall be appointed by the President. The members shall represent the public interest and should be experienced in the criminal or civil justice systems, including, representatives of States and units of local government, representatives of police, prosecutors, defense attorneys, courts, corrections, experts in the area of victim and witness assistance and other components of the justice system at all levels of government, representatives of professional organizations, representatives of the academic and research community, members of the business community, officials of neighborhood and community organizations, and the general public. A majority of the members of the Board, including the Chairman and Vice Chairman, shall not be full-time employees of Federal, State, or local governments. The Board, by majority vote, shall elect from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Director shall also be a nonvoting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment. The Chairman shall be provided by the Institute with at least one full-time staff assistant to assist the Board. The Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Bureau of Justice Statistics shall serve as nonvoting ex officio members of the Board and shall be ineligible to serve as Chairman or Vice Chairman. Except as otherwise provided herein, no more than one additional full-time Federal officer or employee shall serve as a member of the Board.

Chairman and Vice Chairman.

"(b) The Board, after appropriate consultation with representatives of State and local governments, may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assents.

Terms of office.

"(c) The term of office of each member of the Board appointed under subsection (a) shall be three years except the first composition of the Board which shall have one-third of these members appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; and any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Such members shall be appointed within ninety days after the date of enactment of the Justice System Improvement Act of 1979. The members of the Board appointed under subsection (a) shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses. No voting member shall serve for more than two consecutive terms.

Compensation.

5 USC 5332 note.

Limitation.

Duties.

"(d) The Board shall—

"(1) recommend the policies and priorities of the Institute;

"(2) create, where necessary, formal peer review procedures over selected categories of grants, cooperative agreements, and contracts;

"(3) recommend to the President at least three candidates for the position of Director of the Institute in the event of a vacancy; and

"(4) undertake such additional related tasks as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Director shall exercise such powers and duties of the Board as may be delegated to the Director by the Board.

"PART C—BUREAU OF JUSTICE STATISTICS

"BUREAU OF JUSTICE STATISTICS

Statistical information, collection and analysis.
42 USC 3731.

"SEC. 301. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime (including white-collar crime and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime (including crimes against the elderly, white-collar crime, and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this part, the Bureau shall give primary emphasis to the problems of State and local justice systems.

State governmental organizations and facilities.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

42 USC 3732.

"SEC. 302. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this part as 'Bureau').

Director, appointment, qualifications.

"(b) The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

"(c) The Bureau is authorized to—

Grants.

"(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

"(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

"(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decisionmaking;

"(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

"(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

"(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

"(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

"(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

"(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

"(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

"(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

"(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

"(13) provide financial and technical assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

"(14) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

"(15) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

"(16) insure conformance with security and privacy regulations issued pursuant to section 818; and *Post*, p. 1213.

"(17) exercise the powers and functions set out in part H. *Post*, p. 1201.

"(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

"(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(2) confer and cooperate with State, municipal, and other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title; and

"(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records.

"(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

"(f) In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

"AUTHORITY FOR 100 PER CENTUM GRANTS

42 USC 3733.

"SEC. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"BUREAU OF JUSTICE STATISTICS ADVISORY BOARD

Establishment. 42 USC 3734.

"SEC. 304. (a) There is hereby established a Bureau of Justice Statistics Advisory Board (hereinafter referred to in this section as the 'Board'). The Board shall consist of twenty-one members who shall be appointed by the Attorney General. The members should include representatives of States and units of local government, representatives of police, prosecutors, defense attorneys, courts, corrections, experts in the area of victim and witness assistance, and other components of the justice system at all levels of government, representatives of professional organizations, members of the academic, research, and statistics community, officials of neighborhood and community organizations, members of the business community, and the general public. The Board, by majority vote, shall elect from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Director shall also be a non-voting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment. The Chairman shall be provided by the Bureau with at least one full-time staff assistant to assist the Board. The Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics shall serve as non-voting ex officio members of the Board but shall be ineligible to serve as Chairman or Vice Chairman. Except as otherwise provided herein, no more than one additional full-time Federal officer or employee shall serve as a member of the Board.

Chairman and Vice Chairman.

"(b) The Board, after appropriate consultation with representatives of State and local governments, may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assents.

Terms of office.

"(c) The term of office of each member of the Board appointed under subsection (a) shall be three years except the first composition of the Board which shall have one-third of these members appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; and any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. The members of the Board appointed under subsection (a) shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable under the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses. No voting member shall serve for more than two consecutive terms.

5 USC 5332 note.
Limitation.

"(d) The Board shall—

Duties.

"(1) review and make recommendations to the Bureau on activities undertaken by the Bureau and formulate and recommend to the Director policies and priorities for the Bureau;

"(2) recommend to the President at least three candidates for the position of Director of the Bureau in the event of a vacancy; and

"(3) carry out such additional related functions as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Director shall exercise such powers and duties of the Board as may be delegated to the Director by the Board.

"USE OF DATA

"SEC. 305. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

42 USC 3735.

"PART D—FORMULA GRANTS

"DESCRIPTION OF PROGRAM

"SEC. 401. (a) It is the purpose of this part to assist States and units of local government in carrying out specific innovative programs which are of proven effectiveness, have a record of proven success, or which offer a high probability of improving the functioning of the criminal justice system. The Administration is authorized to make grants under this part to States and units of local government for the purpose of—

42 USC 3741.

"(1) establishing or expanding community and neighborhood programs that enable citizens to undertake initiatives to deal with crime and delinquency;

"(2) improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates, the number of reported crimes, clearance rates, the number of patrol or investigative hours per uniformed officer, or any other appropriate objective measure;

"(3) improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

"(4) disrupting illicit commerce in stolen goods and property and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

"(5) combating arson;

"(6) developing investigations and prosecutions of white-collar crime, organized crime, public-corruption-related offenses, and fraud against the government;

"(7) reducing the time between arrest or indictment and disposition of trial;

"(8) implementing court reforms;

"(9) increasing the use and development of alternatives to the prosecution of selected offenders;

"(10) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

"(11) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

"(12) developing and implementing programs which provide assistance to victims, witnesses, and jurors, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

"(13) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

"(14) developing projects to identify and meet the needs of drug dependent offenders;

"(15) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

"(16) reducing the rates of violence among inmates in places of detention and confinement;

"(17) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

"(18) training criminal justice personnel in programs meeting standards recognized by the Administrator;

"(19) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal justice agencies;

"(20) coordinating the various components of the criminal justice system to improve the overall operation of the system, establishing criminal justice information systems, and supporting and training of criminal justice personnel;

"(21) developing statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (1) through (20);

"(22) encouraging the development of pilot and demonstration projects for prison industry programs at the State level with particular emphasis on involving private sector enterprise either as a direct participant in such programs, or as purchasers of goods produced through such programs, and aimed at making inmates self-sufficient, to the extent practicable, in a realistic working environment; and

"(23) any other innovative program which is of proven effectiveness, has a record of proven success, or which offers a high probability of improving the functioning of the criminal justice system.

"(b)(1) Except with respect to allocations under subsection (c)—

"(A) for the fiscal year ending September 30, 1980, the Federal portion of any grant made under this part may be up to 100 per centum of the cost of the program or project specified in the application for such grant; and

"(B) for any later fiscal period, that portion of a Federal grant made under this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant unless the Administrator determines that State or local budgetary restraints prevent the recipient from providing the remaining portion.

"(2)(A) The non-Federal portion of the cost of such program or project shall be in cash.

Federal and non-Federal program costs.

"(B) In the case of a grant to an Indian tribe or other aboriginal group, the Administration may increase the Federal portion of the cost of such program to the extent the Administration deems necessary, if the Administration determines that the tribe or group does not have sufficient funds available to meet the non-Federal portion of such cost.

"(3) Except with respect to allocations under subsection (c), a grant recipient shall assume the cost of a program or project funded under this part after a reasonable period of Federal assistance unless the Administrator determines that the recipient is unable to assume such cost because of State or local budgetary restraints.

Allocation of funds.

"(c)(1) The Administration shall allocate from the grant provided for in subsection (a) $200,000 to each of the States for the purposes of administering grants received under this title for operating criminal justice councils, judicial coordinating committees, and local offices pursuant to part D, and an additional amount of at least $50,000 shall be made available by the Administration for allocation by the State to the judicial coordinating committee. These foregoing sums shall be available without a requirement for match. The Administration shall allocate additional funds from the grant to a State for use by the State and its units of local government in an amount that is 7½ per centum of the total grant of such State. Any of the additional funds shall be matched in an amount equal to any such expended or obligated amount. An amount equal to at least 7½ per centum of the allocation of an eligible jurisdiction as defined in section 402(a) (2), (3), or (4), or of a judicial coordinating committee, must be made available by the State to each such jurisdiction or judicial coordinating committee from these additional funds for purposes set out above. The eligible jurisdiction or combination thereof shall match the amounts passed through in an amount equal to any such amount expended or obligated by the eligible jurisdiction or combination thereof for the purposes set forth above for all Federal funds in excess of $25,000 for each eligible jurisdiction.

Additional funds.

"(2) Any funds allocated to States or units of local government and unexpended by such States or units of local government for the purposes set forth above shall be available to such States or units of local government for expenditure in accordance with subsection (a).

"(3) The State may allocate at its discretion to units of local government or combinations of such units which are not eligible jurisdictions as defined in section 402(a) (2), (3), and (4) funds provided under this subsection.

"ELIGIBILITY

42 USC 3742.

"SEC. 402. (a) The Administration is authorized to make financial assistance under this part available to an eligible jurisdiction to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this title. An eligible jurisdiction shall be—

"(1) a State;

"(2) a municipality which has no less than 0.15 per centum of total State and local criminal justice expenditures, and which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such municipality would receive at least $50,000 for the applicable year under section 405;

Post, p. 1189.

"(3) a county which has no less than 0.15 per centum of total State and local criminal justice expenditures, and which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such county would receive at least $50,000 for the applicable year under section 405;

"(4) any combination of contiguous units of local government, whether or not situated in more than one State, or any combination of units of local government all in the same county, which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such combination would receive at least $50,000 for the applicable year under section 405;

"(5) a unit of local government, or any combination of such contiguous units without regard to population, which are otherwise ineligible under the other paragraphs of this subsection.

State criminal justice council.

"(b)(1) Each State shall establish or designate and maintain a criminal justice council (hereinafter referred to in this title as the 'council') for the purpose of—

"(A) analyzing the criminal justice problems within the State based on input and data from all eligible jurisdictions, State agencies, and the judicial coordinating committee and establishing priorities based on the analysis and assuring that these priorities are published and made available to affected criminal justice agencies prior to the time required for application submission;

"(B) preparing a comprehensive State application reflecting the statewide goals, objectives, priorities, and projected grant programs;

"(C)(i) receiving, reviewing, and approving (or disapproving) applications or amendments submitted by State agencies, the judicial coordinating committee, and units of local government, or combinations thereof, as defined in subsection (a)(5), pursuant to section 405(a)(5) of this title; and

"(ii) providing financial assistance to these agencies and units according to the criteria of this title and on the terms and conditions established by such council at its discretion;

"(D) receiving, coordinating, reviewing, and monitoring all applications or amendments submitted by State agencies, the judicial coordinating committee, units of local government, and combinations of such units pursuant to section 403 of this title, recommending ways to improve the effectiveness of the programs or projects referred to in said applications, assuring compliance of said applications with Federal requirements and State law and integrating said applications into the comprehensive State application;

Report.

"(E) preparing an annual report for the chief executive of the State and the State legislature containing an assessment of the criminal justice problems and priorities within the State; the adequacy of existing State and local agencies, programs, and resources to meet these problems and priorities; the distribution and use of funds allocated pursuant to this part and the relationship of these funds to State and local resources allocated to crime and justice system problems; and the major policy and legislative initiatives that are recommended to be undertaken on a statewide basis;

"(F) assisting the chief executive of the State, the State legislature, and units of local government upon request in developing new or improved approaches, policies, or legislation designed to improve criminal justice in the State;

"(G) developing and publishing information concerning criminal justice in the State;

"(H) providing technical assistance upon request to State agencies, community-based crime prevention programs, the judicial coordinating committee, and units of local government in matters relating to improving criminal justice in the State; and

"(I) assuring fund accounting, auditing, and evaluation of programs and projects funded under this part to assure compliance with Federal requirements and State law.

Creation or designation by State law. Membership.

"(2) The council shall be created or designated by State law and shall be subject to the jurisdiction of the chief executive of the State who shall appoint the members of the council, designate the chairman, and provide professional, technical, and clerical staff to serve the council. The council shall be broadly representative and include among its membership—

"(A) representatives of eligible jurisdictions as defined in subsection (a) (2), (3), and (4) who shall comprise at least one-third of the membership of the council where there are such eligible jurisdictions in the State and where they submit applications pursuant to this part;

"(B) representatives of the smaller units of local government defined in subsection (a)(5);

"(C) representatives of the various components of the criminal justice system, including representatives of agencies directly related to the prevention and control of juvenile delinquency and representatives of police, courts, corrections, prosecutors, and defense attorneys;

"(D) representatives of the general public including representatives of neighborhood and community-based, business, and professional organizations of the communities to be served under this part; and

"(E) representatives of the judiciary including, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer; if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members and the local trial court judicial officer shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership; additional judicial members of the council as may be required by the Administration shall be appointed by the chief executive of the State from the membership of the judicial coordinating committee or, in the absence of a judicial coordinating committee, from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort.

Individual representatives may fulfill the requirements of more than one functional area or geographical area where appropriate to the background and expertise of the individual.

Applications from eligible jurisdictions.

"(3)(A) Applications from eligible jurisdictions as defined in subsection (a) (2), (3), and (4) may, at the discretion of such eligible jurisdiction, be in the form of a single application to the State for inclusion in the comprehensive State application. Applications or amendments should conform to the overall priorities, unless the eligible jurisdiction's analysis of its criminal justice system demonstrates that such recommended priorities are inconsistent with their needs. Applications or amendments should conform to uniform administrative requirements for submission of applications. Such requirements shall be consistent with guidelines issued by the Administration. Such application or amendments shall be deemed approved unless the council, within ninety days of the receipt of such application or amendment, finds that the application or amendment—

Limitations on approval.

"(i) does not comply with Federal requirements or with State law or regulations;

"(ii) is inconsistent with priorities and fails to establish, under guidelines issued by the Administration, good cause for such inconsistency;

"(iii) conflicts with or duplicates programs or projects of another applicant under this title, or other Federal, State, or local supported programs or applications; or

"(iv) proposes a program or project that is substantially identical to or is a continuation of a program or project which has been evaluated and found to be ineffective under section 404(c)(4).

Where the council finds such noncompliance, inconsistency, conflict, or duplication, it shall notify the applicant in writing and set forth its reasons for the finding.

"(B) The applicant may, within thirty days of receipt of written findings of the council pursuant to subparagraph (A) submit to the council a revised application or state in writing the applicant's reasons for disagreeing with the council's findings.

"(C) A revised application submitted under subparagraph (B) shall be treated as an original application except that the council shall act on such application within thirty days.

Appeal.

"(D) If an applicant states in writing a disagreement with the council's written findings as specified in subparagraph (A), the findings shall be considered appealed. The appeal shall be in accordance with a procedure developed by the council and reviewed and agreed to by the eligible jurisdiction. If any eligible jurisdiction in a State fails to agree with the council appeal process prior to application submission to the council, the appeal shall be in accordance with procedures developed by the Administration. The Administration appeal procedures shall provide that if the council's action is not supported by clear and convincing evidence or if the council acted arbitrarily or capriciously, the council shall be directed to reconsider or approve the application or amendment.

Reconsideration.

"(E) Approval of the application of such eligible local jurisdiction shall result in the award of funds to such eligible jurisdiction without requirement for further application or review by the council.

State agency and eligible jurisdiction applications.

"(4) Applications from State agencies and eligible jurisdictions as defined in subsection (a)(5) must be in the manner and form proscribed by the council. Where the council determines under paragraph (1) (C) and (D) that an application or amendment from a State agency or an eligible jurisdiction as defined in subsection (a)(5)—

"(A) does not comply with Federal requirements or with State law or regulation;

"(B) is inconsistent with priorities, policy, organizational, or procedural arrangements, or the crime analysis;

"(C) conflicts with or duplicates programs or projects of another applicant under this title, or other Federal, State, or local supported programs or applications; or

"(D) proposes a program or project that is substantially identical to or is a continuation of a program or project which has been evaluated and found to be ineffective;

the council shall notify the applicant in writing of the finding and the reasons for the finding and may deny funding or recommend appropriate changes. Appeal of the council's action shall be in accordance with procedures established by the council for such matters.

"(c) The chief executive(s) of an eligible jurisdiction as defined in subsection (a) (2), (3), and (4) shall create or designate an office for the purpose of preparing and developing the jurisdiction's application and assuring that such application complies with Federal requirements, State law, fund accounting, auditing and the evaluation of programs and projects to be funded under the application to be submitted to the council pursuant to section 403 of this title. Each eligible jurisdiction shall establish or designate a local criminal justice advisory board (hereinafter referred to in this section as the 'board') for the purpose of—

Local criminal justice advisory board, establishment.

"(1) analyzing the criminal justice problems within the eligible jurisdiction and advising the council of the eligible jurisdiction on priorities;

"(2) advising the chief executive of the eligible jurisdiction pursuant to this title;

"(3) advising on applications or amendments by the eligible jurisdiction;

"(4) assuring that there is an adequate allocation of funds for court programs based upon that proportion of the eligible jurisdiction's expenditures for court programs which contributes to the jurisdiction's eligibility for funds and which take into account the court priorities recommended by the judicial coordinating committee; and

"(5) assuring that there is an adequate allocation of funds for correction programs based on that portion of the eligible jurisdiction's expenditures for correction programs which contributes to the jurisdiction's eligibility for funds.

Such board shall be established or designated by the chief executive of the eligible jurisdiction and shall be subject to the jurisdiction of the chief executive who shall appoint the members and designate the chairman. Such board shall be broadly representative of the various components of the criminal justice system and shall include among its membership representatives of neighborhood, community-based and professional organizations. In the case of an eligible jurisdiction as defined in subsection (a)(4), the membership of the board shall be jointly appointed in such manner as the chief executive of each unit of local government shall determine by mutual agreement. Decisions made by the board pursuant to this subsection may be reviewed and either be accepted or rejected by the chief executive of the eligible subgrant jurisdiction, or in the case of an eligible jurisdiction as defined in subsection (a)(4) in such manner as the chief executive of each unit of local government shall determine by mutual agreement. Where an eligible jurisdiction as defined in subsection (a) (2) or (3) chooses not to combine pursuant to section 402(a)(4) and chooses not to exercise the powers of this subsection, it shall be treated as an eligible jurisdiction under subsection (a)(5).

"(d) The court of last resort of each State may establish or designate a judicial coordinating committee (hereinafter referred to in this title as the 'committee') for the preparation, development, and revision of a three-year application or amendments thereto reflecting the needs and priorities of the courts of the State. For those States where there is a judicial agency which is authorized by State law on the date of

Judicial coordinating committee, establishment or designation.

enactment of this subsection to perform this function and which has a statutory membership of a majority of court officials (including judges and court administrators), the judicial agency may establish or designate the judicial coordinating committee. The committee shall—

Functions.

"(1) establish priorities for the improvement of the various courts of the State;

"(2) define, develop, and coordinate programs and projects for the improvement of the courts of the State; and

"(3) develop, in accordance with part D, an application for the funding of programs and projects designed to improve the functioning of the courts and judicial agencies of the State.

The committee shall submit its three-year application or amendments to the council. The committee shall review for consistency with the court priorities, applications, or amendments from any jurisdiction which has incurred expenditures for court services from its own sources or from any other jurisdiction which is applying for funds for court services. The committee shall report to the council and the applicant its findings of consistency and inconsistency. The council shall approve and incorporate into its application in whole or in part the application or amendments of the committee unless the council determines that such committee application or amendments are not in accordance with this title, are not in conformance with, or consistent with, their own application made pursuant to section 403 of this title, or do not conform with the fiscal accountability standards of this title.

Report.

"(e)(1) The council will provide for procedures that will insure that all applications or amendments by units of local government or combinations thereof or judicial coordinating committees shall be acted upon no later than ninety days after being first received by the council. Final action by the council which results in the return of any application or amendments to an application must contain specific reasons for such action within ninety days of receipt of the application. Any part of such application or amendments which is not acted upon shall be deemed approved for submission to the Administration. Action by the council on any application or part thereof shall not preclude the resubmission of such application or part thereof to the council at a later date.

Public meetings.

"(2) The council, the judicial coordinating committee, and local boards, established pursuant to subsection (c), shall meet at such times and in such places as they deem necessary and shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted if final action is to be taken at the meeting on the State application or any application for funds or any amendment thereto. The council, the judicial coordinating committee, and local boards, pursuant to subsection (c), shall provide for public access to all records relating to their functions under this title, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.

Records, accessibility.

"(3) The council shall, at a time designated in regulations promulgated by the Administration, submit its application made pursuant to this part to the Administration for approval. Its application shall include funding allocations or applications which were submitted by State agencies, the judicial coordinating committee, and units of local government, or combinations thereof, and which were first reviewed and approved by the council pursuant to subsection (b)(3), (b)(4), or (d), as appropriate.

Funds, eligibility.

"(f) To be eligible for funds under this part all eligible jurisdictions shall assure the participation of citizens, and neighborhood and community organizations, in the application process. No grant may be made pursuant to this part unless the eligible jurisdiction has provided satisfactory assurances to the Administration that the applicant has—

"(1) provided citizens and neighborhood and community organizations with adequate information concerning the amounts of funds available for proposed programs or projects under this title, the range of activities that may be undertaken, and other important program requirements;

"(2) provided citizens and neighborhood and community organizations an opportunity to consider and comment on priorities set forth in the application or amendments;

"(3) provided for full and adequate participation of units of local government in the performance of the analysis and the establishment of priorities required by subsection (b)(1)(A); and

"(4) provided an opportunity for all affected criminal justice agencies to consider and comment on the proposed programs to be set forth in the application or amendments.

Application process, rules.

The Administrator, in cooperation with the Office of Community Anti-Crime Programs, may establish such rules, regulations, and procedures as are necessary to assure that citizens and neighborhood and community organizations will be assured an opportunity to participate in the application process.

"APPLICATIONS

42 USC 3743.

"SEC. 403. (a) No grant may be made by the Administration to a State, or by a State to an eligible recipient pursuant to part D, unless the application sets forth criminal justice programs covering a three-year period which meet the objectives of section 401 of this title. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

Contents.

"(1) an analysis of the crime problems and criminal justice needs within the relevant jurisdiction and a description of the services to be provided and performance goals and priorities, including a specific statement of how the programs are expected to advance the objectives of section 401 of this title and meet the identified crime problems and criminal justice needs of the jurisdiction;

"(2) an indication of how the programs relate to other similar State or local programs directed at the same or similar problems;

"(3) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Administration, where the applicant is a State, and to the council where the applicant is a State agency, the judicial coordinating committees, a nongovernmental grantee, or a unit or combination of units of local government—

"(A) a performance report concerning the activities carried out pursuant to this title; and

"(B) an assessment by the applicant of the impact of those activities on the objectives of this title and the needs and objectives identified in the applicant's statement;

"(4) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

"(5) an assurance where the applicant is a State or unit or combination of units of local government that there is an adequate share of funds for courts and for corrections, police, prosecution, and defense programs;

"(6) a provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Administration shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

"(7) a provision for the maintenance of such data and information and for the submission of such reports in such form, at such times, and containing such data and information as the Administration may reasonably require to administer other provisions of this title;

"(8) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration and shall be executed by the chief executive officer or other officer of the applicant qualified under regulations promulgated by the Administration; and

"(9) satisfactory assurances that equipment, whose purchase was previously made in connection with a program or project in such State assisted under this title and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the commencement of such use and has continued in use during its useful life.

"(b) Applications from judicial coordinating committees, State agencies, and other nongovernmental grantees do not have to include the crime analysis required by subsection (a)(1) but may rely on the crime analysis prepared by the council.

"REVIEW OF APPLICATIONS

Financial assistance.
42 USC 3744.

"SEC. 404. (a) The Administration shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

"(1) the application or amendment thereof is consistent with the requirements of this title;

"(2) the application or amendment thereof was made public prior to submission to the Administration and an opportunity to comment thereon was provided to citizens and neighborhood and community groups; and

"(3) prior to the approval of the application or amendment thereof the Administration has made an affirmative finding in writing that the program or project is likely to contribute effectively to the achievement of the objectives of section 401 of this title.

Each application or amendment made and submitted for approval to the Administration pursuant to section 403 of this title shall be deemed approved, in whole or in part, by the Administration within ninety days after first received unless the Administration informs the applicant of specific reasons for disapproval.

Fund suspension.

"(b) The Administration shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the requirements or statutory objectives of this Act as evidenced by—

"(1) the annual performance reports submitted to the Administration by the applicant pursuant to section 802(b) of this title;

Post, p. 1201.

"(2) the failure of the applicant to submit annual performance reports pursuant to section 403 of this title;

"(3) evaluations conducted pursuant to section 802(b);

"(4) evaluations and other information provided by the National Institute of Justice.

Grant amounts, adjustment.

The Administration may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

Use.

"(c) Grant funds awarded under part D shall not be used for—

"(1) the purchase of equipment or hardware except as provided in section 102(7), or the payment of personnel costs, unless the cost of such purchases or payments is incurred as an incidental and necessary part of a program of proven effectiveness, a program having a record of proven success, or a program offering high probability of improving the functioning of the criminal justice system (including bulletproof vests). In determining whether to apply this limitation, consideration must be given to the extent of prior funding from any sources in that jurisdiction for substantially similar activities;

Ante, p. 1170.

"(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

"(3) construction projects; or

"(4) programs or projects which, based upon evaluations by the National Institute of Justice, Law Enforcement Assistance Administration, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

Publication in Federal Register.

Notice and hearing.

"(d) The Administration shall not finally disapprove any application submitted to the Administrator under this part, or any amendments thereof, without first affording the applicant reasonable notice and opportunity for a hearing and appeal pursuant to section 803 of this title.

Post, p. 1202.

"ALLOCATION AND DISTRIBUTION OF FUNDS

42 USC 3745.
Ante, p. 1179;
post pp. 1192, 1195.

"SEC. 405. (a) Of the total amount appropriated for parts D, E, and F in any fiscal year, 80 per centum shall be set aside for part D and allocated to States, units of local government, and combinations of such units as follows:

"(1) The sum of $300,000 to each of the participating States as defined in section 402(a)(1) and the balance according to one of the following two formulas, whichever formula results in the larger amount:

"(A) Of the remaining amount to be allocated pursuant to this part:

"(i) 25 per centum shall be allocated in proportion to the relative population within the State as compared to the population in all States;

"(ii) 25 per centum shall be allocated in proportion to the relative number of index crimes (as documented by the Department of Justice) reported within the State as compared to such numbers in all States;

"(iii) 25 per centum shall be allocated in proportion to the relative amount of total State and local criminal justice expenditures within the State as compared to such amounts in all States; and

"(iv) 25 per centum shall be allocated in proportion to the relative population within the State, weighted by the share of State personal income paid in State and local taxes, as compared to such weighted populations in all States; or

"(B) The remaining amount to be allocated pursuant to this part shall be allocated in proportion to the relative population within the State as compared to the population, in all States;

except that no State which receives financial assistance pursuant to subparagraph (A) shall receive an amount in excess of 110 per centum of that amount available to a State pursuant to subparagraph (B). Formula allocations under this section shall utilize relative population data only for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(2) If the fund allocation to each of the States pursuant to paragraph (1) results in a total amount in excess of the amount appropriated for the purposes of this part, additional funds shall be allocated by the Administration from part E or F to the States for purposes consistent with those parts so that the total amount equals the total amount allocated under paragraph (1). No State shall receive an allocation pursuant to paragraph (1) which is less than the block grant allocation received by such State for fiscal year 1979 pursuant to parts C and E, except that if the total amount appropriated for part D for any fiscal year subsequent to fiscal year 1979 is less than the total block grant appropriation for parts C and E during fiscal year 1979, the States shall receive an allocation in accordance with paragraph (1)(B).

Post, pp. 1192, 1195.

Ante, p. 1176; *post*, 1192.
Ante, p. 1179.

"(3) From the amount made available to each State pursuant to paragraphs (1) and (2), the Administration shall determine basic allocations to be made available to the State, to eligible jurisdictions as defined in section 402(a) (2), (3), or (4) and to eligible jurisdictions as defined in section 402(a)(5). Such allocations shall be determined—

Ante, p. 1181.

"(A) by distributing 70 per centum of available funds allocated under paragraphs (1) and (2) to the State and those eligible units of local government within the State as defined in section 402(a) in a proportion equal to their own respective share of total State and local criminal justice expenditures; and

"(B) by dividing the remaining 30 per centum of available funds allocated under paragraphs (1) and (2) and distributing to the State and to those eligible units of local government within the State as defined in section 402(a), in four equal shares in amounts determined as follows:

"(i) for combating crime as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for police services from all sources;

"(ii) for improving court administration as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for judicial, legal, and prosecutive, and public defense services from all sources;

Ante, p. 1179.

"(iii) for improving correctional services as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for correctional services from all sources; and

"(iv) for devising effective alternatives to the criminal justice system as specified in section 401(a) a proportion of the available funds equal to their own respective share of total State and local expenditures from all sources.

"(4) All allocations under paragraph (3) shall be based upon the most accurate and complete data available for such fiscal year or for the most recent fiscal year for which accurate data are available. Eligible jurisdictions as defined in section 402(a)(4) may not receive an allocation based upon the population of eligible cities and counties as defined in section 402(a) (2), (3), and (5) unless such cities and counties participate in activities under this title as part of a combination of units of local government as defined in section 402(a)(4). In determining allocations for the eligible units as defined in section 402(a), an aggregate allocation may be utilized where eligible jurisdictions as defined in section 402(a) combine to meet the population requirements of section 402(a)(4).

Ante, p. 1181.

Aggregate allocation, utilization.

"(5) The amount made available pursuant to paragraph (3) to eligible units of local government within each State, as defined in section 402(a)(5), and to eligible jurisdictions, as defined in section 402(a) (2), (3), or (5) which choose not to combine pursuant to section 402(a)(4) and choose not to exercise the powers of section 402(c), shall be reserved and set aside in a special discretionary fund for use by the council pursuant to section 402 of this title, in making grants (in addition to any other grants which may be made under this title to the same entities or for the same purposes) to such units of local government or combinations thereof. The council shall allocate such funds among such local units of government or combinations thereof which make application pursuant to section 403 of this title, according to the criteria of this title and on the terms and conditions established by such council at its discretion. If in a particular State, there are no eligible units of local government, as defined in section 402(a) (2), (3), or (4), of this part, the amount otherwise reserved and set aside in the special discretionary fund shall consist of the entire amount made available to local units of government, pursuant to this section.

Special discretionary fund.

Ante, p. 1187.

"(b) At the request of the State legislature while in session or a body designated to act while the legislature is not in session, general goals, priorities, and policies of the council shall be submitted to the legislature for an advisory review prior to its implementation by the council. In this review the general criminal justice goals, priorities, and policies that have been developed pursuant to this part shall be considered. If the legislature or the interim body has not reviewed

Advisory review.

such matters forty-five days after receipt, such matters shall then be deemed reviewed.

"(c) No award of funds that are allocated to the States, units of local government, or combinations thereof under this part shall be made with respect to a program other than a program contained in an approved application.

"(d) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State, unit of local government, or combination thereof for that fiscal year will not be required, or that the State, unit of local government, or combination thereof will be unable to qualify or receive funds under the requirements of this part, such funds shall be available for reallocation to the States, or other units of local government and combinations thereof within such State, as the Administration may determine in its discretion, but all States shall be considered equally for reallocated funds.

Ante, p. 1181.

"(e) A State may award funds from the State allocation to private nonprofit organizations. Eligible jurisdictions as defined in section 402(a) (2) through (5) may utilize the services of private nonprofit organizations for purposes consistent with this title.

42 USC 5601 note.

42 USC 5633.

"(f) In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, a State shall submit a plan for carrying out the purposes of that Act in accordance with the provisions of this title and section 223 of that Act. Such plan may at the direction of the Administrator be incorporated into the State application to be submitted under this part.

"(g) Eligible jurisdictions which choose to utilize regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State.

"PART E—NATIONAL PRIORITY GRANTS

"PURPOSE

42 USC 3751.

"SEC. 501. It is the purpose of this part, through the provision of additional Federal financial aid and assistance, to encourage States and units of local government to carry out programs which, on the basis of research, demonstration, or evaluations by the National Institute of Justice, Bureau of Justice Statistics, Law Enforcement Assistance Administration, State or local governments, or other Federal, State, local, or private organizations or agencies, have been shown to meet the criteria of section 503(a).

"PERCENTAGE OF APPROPRIATION FOR NATIONAL PRIORITY GRANT PROGRAM

42 USC 3752.
Ante, p. 1179;
post, p. 1195.

"SEC. 502. Of the total amount appropriated for parts D, E, and F, in any fiscal year, 10 per centum shall be reserved and set aside pursuant to this part as funding incentives for use by the Administration in making national priority grants (in addition to any other grants which may be made under this title to the same entities or for the same purpose) to States, units of local government, and combinations of such units.

"PROCEDURE FOR DESIGNATING NATIONAL PRIORITY PROGRAMS

42 USC 3753.

"SEC. 503. (a) The Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration shall periodically and jointly designate national priority programs and projects which through research, demonstration, or evaluation have been shown to be effective or innovative and to have a likely beneficial impact on criminal justice. Such national priorities may include programs and projects designated to improve the comprehensive planning and coordination of State and local criminal justice activities. Priorities established under this subsection shall be considered priorities for a period of time determined by such Director and Administrator jointly but not to exceed three years from the time of such determination except in cases of recipients for which State or local budgetary restraints prevent assumption of costs of priority projects. Such priorities shall be designated according to such criteria, and on such terms and conditions, as such Director and such Administrator jointly may determine.

"(b) Such Director and such Administrator shall jointly annually request the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, State and local governments, and other appropriate public and private agencies to suggest national priority programs and projects. Such Director and such Administrator shall jointly then, pursuant to regulations such Director and such Administrator jointly promulgate annually, publish proposed national priority programs and projects pursuant to this part and invite and encourage public comment concerning such priorities. Such priority programs and projects shall not be established or modified until such Director and such Administrator jointly have provided at least sixty days advance notice for public comment and shall encourage and invite recommendations and opinion concerning such priorities from appropriate agencies and officials of State and units of local government. After considering any comments submitted during such period of time, such Director and such Administrator jointly shall establish priority programs and projects for that year (and determine whether existing priority programs and projects should be modified). Such Director and such Administrator shall jointly publish in the Federal Register the priority programs and projects established pursuant to this part prior to the beginning of fiscal year 1981 and each fiscal year thereafter for which appropriations will be available to carry out the program. In the event of a disagreement by such Director and such Administrator as to the exercise of joint functions under this section, the Attorney General shall resolve such disagreement.

Proposed national priority programs, invitation of public comment.

Publication in Federal Register.

"APPLICATION REQUIREMENTS

"SEC. 504. (a) No grant may be made pursuant to this part unless an application has been submitted to the Administration in which the applicant—

42 USC 3754.

"(1) identifies the priority program to be funded and describes how funds allocated pursuant to this part and pursuant to part D will be expended to carry out the priority program;

Ante, p. 1179.

"(2) describes specifically what percentages of funds allocated for the upcoming year pursuant to part D will be spent on priority programs and projects pursuant to this part;

"(3) describes specifically the priority programs and projects for which funds are to be allocated pursuant to part D for the upcoming fiscal year;

"(4) describes what percentage of part D funds were expended on national priority projects during the preceding fiscal year; and

"(5) describes specifically the priority programs and projects for which funds were allocated pursuant to part D during the preceding fiscal year and the amount of such allocation.

"(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration.

State criminal justice council's application review.

"(c) Each application must be submitted for review to the criminal justice council in whose State the applicant is located. The council shall have thirty days to comment to the Administration upon the application. Any recommendation shall be accompanied by supporting rationale.

"(d) States and units of local government may utilize the services of private nonprofit organizations for purposes consistent with this part.

"CRITERIA FOR AWARD

42 USC 3755.

"SEC. 505. (a) The Administration shall, after appropriate consultation with representatives of State and local governments and representatives of the various components of the justice system at all levels of government, establish reasonable requirements consistent with this part for the award of national priority grants. Procedures for awards of national priority grants shall be published in the Federal Register and no national priority grant shall be made in a manner inconsistent with these procedures. The Administration in determining whether to award a priority grant to an eligible jurisdiction shall give consideration to the criminal justice needs and efforts of eligible jurisdictions, to the need for continuing programs which would not otherwise be continued because of the lack of adequate part D funds, and to the degree to which an eligible jurisdiction has expended or proposes to expend funds from part D or other sources of funds, including other Federal grants, for priority programs and projects. No jurisdiction shall be denied a priority grant solely on the basis of its population.

Publication in Federal Register.

Ante, p. 1179.

"(b) Grants under this part may be made in an amount equal to 50 per centum of the cost of the priority program or project for which such grant is made except allocations made pursuant to section 405(a)(2), which may be made in an amount equal to 100 per centum of the cost of the funded program. The remaining costs may be provided from part D funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. The Administration may provide technical assistance to any priority program or project funded under this part. Technical assistance so provided may be funded in an amount equal to 100 per centum of its cost from funds set aside pursuant to this part.

"(c) Amounts reserved and set aside pursuant to this part in any fiscal year, but not used in such year, may be used by the Administration to provide additional financial assistance to priority programs or projects of demonstrated effectiveness in improving the functioning of the criminal justice system, notwithstanding the provisions of subsection (b).

"(d) The Administration may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Administration for an additional period of up to two years if an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system. A recipient

Recipient's assumption of program cost.

shall assume the cost of any program assisted under this part after the period of Federal assistance unless the Administrator determines that the recipient is unable to assume such cost because of State or local budgetary restraints. The Administration shall assure that the problems and needs of all of the States are taken into account in distributing funds under this part among the States.

"Part F—Discretionary Grants

"PURPOSE

42 USC 3761.

"Sec. 601. It is the purpose of this part, through the provision of additional Federal financial assistance, to encourage States, units of local government, combinations of such units, or private nonprofit organizations to—

"(1) undertake programs and projects, including educational programs, to improve and strengthen the criminal justice system;

"(2) improve the comprehensive planning and coordination of State and local criminal justice activities especially coordination between city and county jurisdictions;

"(3) provide for the equitable distribution of funds under this title among all segments and components of the criminal justice system;

White-collar crime.

"(4) develop and implement programs and projects to redirect resources so as to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption;

"(5) to support modernization and improvement of State and local court and corrections systems and programs;

"(6) to support organized crime programs, programs to prevent and reduce crime in public or private places and programs which are designed to disrupt illicit commerce in stolen goods and property; and

"(7) to support community and neighborhood anticrime efforts.

"PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

42 USC 3762.
Ante, pp. 1197, 1192, *supra*.

"Sec. 602. Of the total amount appropriated for parts D, E, and F in any fiscal year 10 per centum shall be reserved and set aside pursuant to this part in a special discretionary fund for use by the Administration in making grants (in addition to any other grants which may be made under this title to the same entities or for the same purposes) to States, units of local government, combinations of such units, or private nonprofit organizations, for the purposes set forth in section 601 of this title. The Administrator shall assure that funds allocated under this subsection to private nonprofit organizations shall be used for the purpose of developing and conducting programs and projects which would not otherwise be undertaken pursuant to this title including programs and projects—

Programs eligible for allocations.

"(1) to stimulate and encourage the improvement of justice and the modernization of State court operations by means of financial assistance to national nonprofit organizations operating in conjunction with and serving the judicial branches of State governments;

"(2) to provide national education and training programs for State and local prosecutors, defense personnel, judges and judicial personnel, and to disseminate and demonstrate new legal developments and methods by means of teaching, special projects, practice, and the publication of manuals and materials to improve the administration of criminal justice. Organizations supported under this paragraph shall assist State and local agencies in the education and training of personnel on a State and regional basis;

"(3) to support community and neighborhood anticrime programs;

"(4) to stimulate, improve, and support victim-witness assistance programs; and

"(5) to improve the administration of justice by encouraging and supporting the development, dissemination, implementation, evaluation, and revision of criminal justice standards and guidelines.

"PROCEDURE FOR ESTABLISHING DISCRETIONARY PROGRAMS

42 USC 3763.

"SEC. 603. (a) The Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration shall periodically and jointly establish discretionary programs and projects for financial assistance under this part. Such programs and projects shall be considered priorities for a period of time not to exceed three years from the time of such determination.

Discretionary program priorities, invitation of public comment.

"(b) Such Director and such Administrator shall jointly annually request the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, State and local governments, and other appropriate public and private agencies to suggest discretionary programs and projects. Such Director and such Administrator shall jointly then, pursuant to regulations, annually publish the proposed priorities pursuant to this part and invite and encourage public comment concerning such priorities. Priorities shall not be established or modified until such Director and such Administrator jointly have provided at least sixty-days advance notice for such public comment and such Director and such Administrator jointly shall encourage and invite recommendations and opinion concerning such priorities from appropriate agencies and officials of State and units of local government. After considering any comments submitted during such period of time and after consultation with appropriate agencies and officials of State and units of local government, such Director and such Administrator jointly shall determine whether existing established priorities should be modified. Such Director and such Administrator shall jointly publish in the Federal Register the priorities established pursuant to this part prior to the beginning of fiscal year 1981 and each fiscal year thereafter for which appropriations will be available to carry out the program.

Publication in Federal Register.

"APPLICATION REQUIREMENTS

"SEC. 604. (a) No grant may be made pursuant to this part unless an application has been submitted to the Administration in which the applicant— 42 USC 3764.

"(1) sets forth a program or project which is eligible for funding pursuant to this part;

"(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

"(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the Administration;

"(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program and project.

"(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration.

"CRITERIA FOR AWARD

"SEC. 605. The Administration shall, in its discretion and according to the criteria and on the terms and conditions it determines consistent with this part, provide financial assistance to those programs or projects which most clearly satisfy the priorities established under section 603. In providing such assistance pursuant to this part, the Administration shall consider whether certain segments and components of the criminal justice system have received a disproportionate allocation of financial aid and assistance pursuant to other parts of this title, and, if such a finding is made, shall assure the funding of such other segments and components of the criminal justice system as to correct inequities resulting from such disproportionate allocations. Federal funding under this part may be up to 100 per centum of the cost of the program. In distributing funds under this part among the States, the Administration shall assure that the problems and needs of all of the States are taken into account and shall fund some programs and projects responsive to each type of section 402 eligible jurisdiction. 42 USC 3765.

"PERIOD FOR AWARD

"SEC. 606. The Administration may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Administration for an additional period of up to two years if— 42 USC 3766.

Financial assistance program extension.

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from part D funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. Funding for the management and the administration of national nonprofit organizations under section 602(1) of this part is not subject to the funding limitations of this section.

"PART G—TRAINING AND MANPOWER DEVELOPMENT

"PURPOSE

42 USC 3771.

"SEC. 701. It is the purpose of this part to provide for and encourage training, manpower development, and new personnel practices for the purpose of improving the criminal justice system.

"TRAINING FOR PROSECUTING ATTORNEYS

42 USC 3772.

"SEC. 702. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local agencies engaged in the prosecution of white-collar and organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against white-collar and organized crime.

Travel expenses and per diem for program participants.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel may be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"TRAINING STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

42 USC 3773.

"SEC. 703. (a) The Administration is authorized—

"(1) to assist in conducting local, regional, or national training programs for the training of State and local criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution, defense, or adjudication of those charged with crime, corrections, rehabilitation, probation, and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of local government and shall not duplicate the training activities of the Federal Bureau of Investigation. While participating in the training program or traveling in connection with participation in the training program, State and local personnel may be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service;

Travel expenses and per diem.

"(2) to carry out a program of planning, development, demonstration, and evaluation of training programs for State and local criminal justice personnel;

"(3) to assist in conducting programs relating to recruitment, selection, placement, and career development practices of State and local law enforcement and criminal justice personnel, and to assist State and local governments in planning manpower programs for criminal justice; and

"(4) to carry out a program of planning, development, demonstration, and evaluation of recruitment, selection, and placement practices.

"(b)(1) The amount of a grant or contract under this section may be up to 100 per centum of the total cost of a program, but the total financial support may not exceed 80 per centum of the total operating budget of any funded institutions or programs.

Allocation of program funds.

"(2) Institutions funded under this section shall assure that to the maximum extent feasible efforts shall be made to increase the non-Federal share of the total operating budgets of such institutions or programs with the objective of becoming self-sustaining.

"(3) To the greatest extent possible funds appropriated for the purposes of this section shall not be utilized to provide per diem or subsistence for State and local officials receiving such training.

"FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"SEC. 704. (a) The Director of the Federal Bureau of Investigation is authorized to—

42 USC 3774.

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"CRIMINAL JUSTICE EDUCATION PROGRAM

"SEC. 705. (a) Pursuant to the provisions of subsections (b) and (c), the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen criminal justice.

42 USC 3775.

"(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to criminal justice or suitable for persons employed in criminal justice, with special consideration to police or correctional personnel of States or units of local government on academic leave to earn such degrees or certificates.

Contract authority.

Criminal justice education loans.

Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a criminal justice agency at the rate of 25 per centum of the total amount of such loan plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

Contract authority.

"(c) The Administration is authorized to enter into contracts to make and to make payments to institutions of higher education for tuition, books, and fees, not exceeding $250 per academic quarter or $400 per semester for any person, for officers of any publicly funded criminal justice agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to criminal justice or an area suitable for persons employed in criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

Full-time teachers, assistance eligibility.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to criminal justice or suitable for persons employed in criminal justice, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) as determined under regulations of the Administration.

Grant and contract authority.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice, and for law enforcement related courses in public schools;

"(2) education and training of faculty members;

"(3) strengthening the criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums. The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

Full-time internships in criminal justice agencies, grants.

"(f) The Administration is authorized to enter into contracts to make and to make payments to institutions of higher education for grants not exceeding $65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"PART H—ADMINISTRATIVE PROVISIONS

"ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

"SEC. 801. (a) There is established within the Department of Justice, under the general authority and policy control of the Attorney General, an Office of Justice Assistance, Research, and Statistics. The chief officer of the Office of Justice Assistance, Research, and Statistics shall be a Director appointed by the President by and with the advice and consent of the Senate.

42 USC 3781.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration.

"CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

"SEC. 802. (a) The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purpose of this title.

42 USC 3782.

"(b) The Law Enforcement Assistance Administration shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts D, E, and F, in order to determine—

Ante, pp. 1179, 1192, 1195.

"(1) whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

"(2) whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

"(3) their cost in relation to their effectiveness in achieving stated goals;

"(4) their impact on communities and participants; and

"(5) their implication for related programs.

Evaluations shall be in addition to the requirements of sections 403 and 404. In conducting the evaluations called for by this subsection, the Law Enforcement Assistance Administration shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants, and shall compare the effectiveness of programs or projects conducted by States and units of local government pursuant to part D of this title with similar programs carried out pursuant to parts E and F. The law Enforcement Assistance Administration shall also require applicants under part D to submit an annual performance report concerning activities carried out pursuant to part D together with an assessment by the applicant of the effectiveness of those activities in achieving the objectives of section 401 of this title and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 403 of this title. The administration shall suspend funding for an approved application

Ante, p. 1179.
Annual performance report.

Ante, p. 1179.

Ante, p. 1179.

under part D if an applicant fails to submit such an annual performance report.

"(c) The procedures established to implement the provisions of this title shall minimize paperwork and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

42 USC 3783.

"SEC. 803. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration finds that a recipient of their respective assistance under this title has failed to comply substantially with—

"(1) any provision of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

they, until satisfied that there is no longer any such failure to comply, shall—

"(A) terminate payments to the recipient under this title;

"(B) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title; or

"(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

Notice of discontinuance or termination of grants.

"(b) If a State grant application filed under part D or any grant application filed under any other part of this title has been rejected or a State applicant under part D or an applicant under any other part of this title has been denied a grant or has had a grant, or any portion of a grant, discontinued, terminated or has been given a grant in a lesser amount that such applicant believes appropriate under the provisions of this title, the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration, as appropriate, shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever such an applicant or grantee requests a hearing, the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein.

Rehearings.

"(c) If such recipient is dissatisfied with the findings and determinations of the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, following notice and hearing provided for in subsection (a), a request may be made for rehearing, under such regulations and procedures as such Administration, Bureau, or Institute, as the case may be, may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

"FINALITY OF DETERMINATIONS

"SEC. 804. In carrying out the functions vested by this title in the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all applications, except as otherwise provided herein. 42 USC 3784.

"APPELLATE COURT REVIEW

"SEC. 805. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 803, 804, or 815(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate. 42 USC 3785.

"(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the National Institute of Justice, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.

"DELEGATION OF FUNCTIONS

42 USC 3786.

"Sec. 806. The Attorney General, the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may delegate to any of their respective officers or employees such functions as they deem appropriate.

"SUBPENA POWER; AUTHORITY TO HOLD HEARINGS

42 USC 3787.

"Sec. 807. In carrying out their functions, the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration, and upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they may designate.

"COMPENSATION OF DIRECTOR OF OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

"Sec. 808. Section 5314 of title 5, United States Code, is amended—

"(1) by adding at the end thereof—

"'Director, Office of Justice Assistance, Research, and Statistics.' and

"(2) by striking out—

"'Administrator of Law Enforcement Assistance.'.

"COMPENSATION OF OTHER FEDERAL OFFICERS

"Sec. 809. Section 5315 of title 5, United States Code, is amended—

"(1) by striking out—

"'Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration.' and

"'Deputy Administrator for Administration of the Law Enforcement Assistance Administration.'; and

"(2) by adding at the end the following:

"'Administrator of Law Enforcement Assistance.

"'Director of the National Institute of Justice.

"'Director of the Bureau of Justice Statistics.'.

"EMPLOYMENT OF HEARING OFFICERS

42 USC 3788.

"Sec. 810. The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may appoint such officers and employees as shall be necessary to carry out their powers and duties under this title and may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out their powers and duties under this title.

"AUTHORITY TO USE AVAILABLE SERVICES

"SEC. 811. The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities. 42 USC 3789.

"CONSULTATION WITH OTHER FEDERAL, STATE, AND LOCAL OFFICIALS

"SEC. 812. In carrying out the provisions of this title, including the issuance of regulations, the Attorney General, the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration, and the Directors of the National Institute of Justice and the Bureau of Justice Statistics shall consult with other Federal departments and agencies and State and local officials. 42 USC 3789a.

"REIMBURSEMENT AUTHORITY

"SEC. 813. (a) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of their functions under this title. 42 USC 3789b.

"(b) The National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, and the Office of Justice Assistance, Research, and Statistics in carrying out their respective functions may use grants, contracts, or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

"SERVICES OF EXPERTS AND CONSULTANTS; ADVISORY COMMITTEES

"SEC. 814. (a) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate then payable for GS-18 by section 5332 of title 5, United States Code. 42 USC 3789c. 5 USC 5332 note.

"(b) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to appoint, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, technical or other advisory committees to advise them with respect to the administration of this title as they deem necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising them or attending meetings of the committees, shall be compensated at rates to be fixed by the Offices but not to exceed the daily equivalent of the rate then payable for GS-18 by section 5332 of title 5, United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"(c) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551).

"PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

42 USC 3789d.

"SEC. 815. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration—

"(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

"(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

Discrimination prohibition.

"(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

"(2)(A) Whenever there has been—

"(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of discrimination in violation of paragraph (1); or

"(ii) a determination after an investigation by the Office of Justice Assistance, Research, and Statistics (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this title) that a State government or unit of local government is not in compliance with paragraph (1);

Notification of discrimination violation.

the Office of Justice Assistance, Research, and Statistics shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of clause (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code.

5 USC 551.

Terms and conditions of compliance.

"(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the Office of Justice Assistance, Research, and Statistics. On or prior to the effective date of the agreement, the Office of Justice Assistance, Research, and Statistics shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the Office of Justice Assistance, Research, and Statistics detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the Office of Justice Assistance, Research, and Statistics that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the Office of Justice Assistance, Research, and Statistics shall send a copy thereof to each such complainant.

Semiannual compliance reports.

"(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

"(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and

"(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Office of Justice Assistance, Research, and Statistics shall notify the Attorney General that compliance has not been secured and caused to have suspended further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Office of Justice Assistance, Research, and Statistics in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Office of Justice Assistance, Research, and Statistics, after notice and opportunity for such a hearing, that the recipient is not in compliance with paragraph (1).

Attorney General, notification of noncompliance and suspension of funds.

"(D) Payment of the suspended funds shall resume only if—

"(i) such State government or unit of local government enters into a compliance agreement approved by the Office of Justice Assistance, Research, and Statistics and the Attorney General in accordance with subparagraph (B);

"(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Office of Justice Assistance, Research, and Statistics in the notice pursuant to subparagraph (A), or is found to be in compliance with paragraph (1) by such court; or "(iii) after a hearing the Office of Justice Assistance, Research, and Statistics pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

Suspension of funds.

"(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Office of Justice Assistance, Research, and Statistics shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

Expedited preliminary hearings.

"(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing on the record in accordance with section 554 of title 5, United States Code, in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

"(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of local government may request a hearing on the record in accordance with section 554 of title 5, United States Code, which the Office of Justice Assistance, Research, and Statistics shall initiate within sixty days of such request.

Finding of compliance or noncompliance.

"(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), the Office of Justice Assistance, Research, and Statistics shall make a finding of compliance or noncompliance. If the Office of Justice Assistance, Research, and Statistics makes a finding of noncompliance, the Office of Justice Assistance, Research, and Statistics shall notify the Attorney General in order that the Attorney General may institute a civil action under paragraph (3), cause to have terminated the payment of funds under this title, and, if appropriate, seek repayment of such funds.

"(iii) If the Office of Justice Assistance, Research, and Statistics makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

Appeals.

"(H) Any State government or unit of local government aggrieved by a final determination of the Office of Justice Assistance, Research, and Statistics under subparagraph (G) may appeal such determination as provided in section 805 of this title.

Litigation of discrimination complaints.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Office of Justice Assistance, Research, and Statistics or any other administrative enforcement agency, unless within such period there has been a determination by the Office of Justice Assistance, Research, and Statistics or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

"(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

"(C) In any action instituted under this section to enforce compliance with paragraph (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

"REPORT TO PRESIDENT AND CONGRESS

"Sec. 816. (a) On or before March 31 of each year, the Administrator of the Law Enforcement Assistance Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to parts D, E, F, and G during the preceding fiscal year. Such report shall include—

42 USC 3789e.

Ante, pp. 1179, 1192, 1195, 1198.

"(1) a description of the progress made in accomplishing the objectives of such parts;

"(2) a description of the national priority programs and projects established pursuant to part E;

"(3) the amounts obligated under parts D, E, and F for each of the components of the criminal justice system;

"(4) the nature and number of jurisdictions which expended funds under part D on national priority programs or projects established pursuant to part E, and the percentage of part D funds expended by such jurisdictions on such programs or projects;

"(5) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(6) a description of the procedures used to audit, monitor, and evaluate programs or projects to insure that all recipients have complied with the title and that the information contained in the applications was correct;

Ante, p. 1179.

"(7) the number of part D applications or amendments approved by the Administration without recommending substantial changes;

"(8) the number of part D applications or amendments in which the Administration recommended substantial changes, and the disposition of such programs or projects;

"(9) the number of programs or projects under part D applications or amendments with respect to which a discontinuation, suspension, or termination of payments occurred together with the reasons for such discontinuation, suspension, or termination;

"(10) the number of programs or projects under part D applications or amendments which were subsequently discontinued by the jurisdiction following the termination of funding under this title; and

"(11) a description of equipment whose cost in the aggregate was $100,000 or more that was purchased in connection with each program or project assisted under part D, and the current use status of such equipment.

Report to congressional committees.
Ante, p. 1167.

"(b) Not later than three years after the date of enactment of the Justice System Improvement Act of 1979, the Administrator of the Law Enforcement Assistance Administration, after consultation with the Director of the National Institute of Justice, the Director of the Bureau of Statistics, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention, with respect to the receipt and compilation of evaluations, statistics, and performance reports required by this title, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report. The report shall set forth comprehensive statistics which, together with the Administrator's analysis and findings, shall indicate whether grants made to States or units of local government under parts D, E, and F have made a reasonably expected contribution toward—

Ante, pp. 1179, 1192, 1195.

"(1) improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates, the number of reported crimes, clearance rates, the number of patrol or investigative hours per uniformed officer, or any other appropriate objective measure;

"(2) improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

"(3) disrupting illicit commerce in stolen goods and property;

"(4) combating arson;

"(5) developing investigations and prosecutions of white-collar crime, organized crime, public-corruption-related offenses, and fraud against the government;

"(6) reducing the time between arrest or indictment and disposition of trial;

"(7) increasing the use and development of alternatives to the prosecution of selected offenders;

"(8) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

"(9) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

"(10) developing and implementing programs which provide assistance to victims and witnesses, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

"(11) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

"(12) developing projects to identify and meet the needs of drug dependent offenders;

"(13) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

"(14) reducing the rates of violence among inmates in places of detention and confinement;

"(15) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

"(16) training criminal justice personnel in programs meeting standards recognized by the Administrator;

"(17) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal justice agencies; and

"(18) developing statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (1) through (17).

Such report shall identify separately, to the maximum practicable extent, such contribution according to the parts of this title under which such grants are authorized and made.

Plan, transmittal to congressional committees.
Ante, p. 1167.

"(c) Not later than two hundred and seventy days after the date of enactment of the Justice System Improvement Act of 1979, the Administrator of the Law Enforcement Assistance Administration shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a plan for the collection, analysis, and evaluation of any data relevant to measure, as objectively as is practicable, progress in each of the areas described in subsection (b).

Consultation.

In developing such plan, the Administrator of the Law Enforcement Assistance Administration shall consult with the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Committees on the Judiciary of the Senate and the House of Representatives. After such consultation and at any time prior to the submission of such plan as required by this subsection, the Administrator may recommend to such committees reporting areas in addition to those described in subsection (b).

Definitions.

Ante, pp. 1179, 1192, 1195.

Such plans shall include the Administrator's recommended definitions of the terms 'comprehensive statistics' and 'reasonably expected contribution' as used in subsection (b), which take into account the total amount of funds available for distribution to States and units of local government under parts D, E, and F, as compared to the total amount of funds available for expenditure by States and units of local government for criminal justice purposes. Such plan shall be used by the Administrator in preparing the report required by subsection (b).

"(d) The report required by subsection (b) shall address whether a reasonably expected contribution has been attained in the areas described in subsection (b) and any area added by the Administrator under subsection (c).

"(e) To the maximum extent feasible, the Administrator shall minimize duplication in data collection requirements imposed on grantee agencies by this section.

"RECORDKEEPING REQUIREMENT

42 USC 3789f.

"SEC. 817. (a) Each recipient of funds under this title shall keep such records as the Office of Justice Assistance, Research, and Statistics shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Audit and examination.

"(b) The Office of Justice Assistance, Research, and Statistics or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office of Justice Assistance, Research, and Statistics may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

Audit and examination.

"(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

Civil rights regulations, review.

"(d) Within one hundred and twenty days after the enactment of this subsection, the Office of Justice Assistance, Research, and Statistics shall review existing civil rights regulations and conform them to this title. Such regulations shall include—

"(1) reasonable and specific time limits for the Office of Justice Assistance, Research, and Statistics to respond to the filing of a complaint by any person alleging that a State government or unit of local government is in violation of the provisions of section 815(c) of this title, including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint; and

"(2) reasonable and specific time limits for the Office of Justice Assistance, Research, and Statistics to conduct independent audits and reviews of State governments and units of local government receiving funds pursuant to this title for compliance with the provisions of section 815(c) of this title.

"(e) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

Acquisition of stolen goods and property, revolving fund.

"(f) There is hereby established within the Law Enforcement Assistance Administration a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provision of law, any income or royalties generated from such projects together with income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund. Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.

"CONFIDENTIALITY OF INFORMATION

"SEC. 818. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings. 42 USC 3789g.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Assistance, Research, and Statistics shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction. Review.

"(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office of Justice Assistance, Research, and Statistics and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

"(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law. Fine.

"AUTHORITY TO ACCEPT VOLUNTARY SERVICES

"SEC. 819. The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims. 42 USC 3789h. 5 USC 8101 *et seq.*

"ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS

42 USC 3789i.

"SEC. 820. (a) All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

42 USC 5611.

"(b) The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the Office of Juvenile Justice and Delinquency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.

"PROHIBITION ON LAND ACQUISITION

42 USC 3789j.

"SEC. 821. No funds under this title shall be used for land acquisition.

"PROHIBITION ON USE OF CIA SERVICES

42 USC 3789k.

"SEC. 822. Notwithstanding any other provision of this title, no use will be made of services, facilities, or personnel of the Central Intelligence Agency.

"INDIAN LIABILITY WAIVER

42 USC 3789*l*.

"SEC. 823. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.

"DISTRICT OF COLUMBIA MATCHING FUND SOURCE

42 USC 3789m.

"SEC. 824. Funds appropriated by the Congress for the activities of any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

"LIMITATION ON CIVIL JUSTICE MATTERS

42 USC 3789n.

"SEC. 825. Authority of any entity established under this title shall extend to civil justice matters only to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

"REIMBURSEMENT FOR UNUSED EQUIPMENT

42 USC 3789*o*.

"SEC. 826. The Law Enforcement Assistance Administration may require a State council, a grantee, or other recipient of assistance under this title to reimburse the Administration for the federally assisted part of the cost of any equipment whose purchase was in connection with a program or project assisted by such Administration under this title and which cost in the aggregate $100,000, or more, if such equipment has not been placed in use one year after the date set at the time of purchase for the commencement of such use, or has not continued in use during its useful life. In lieu of requiring reimbursement under this section, such Administration may require that the State council, a grantee, or other recipient of assistance under this title take appropriate measures to put such equipment into use.

"PRISON INDUSTRY ENHANCEMENT

"SEC. 827. (a) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (c) as follows—

"'(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than seven pilot projects designated by the Administrator of the Law Enforcement Assistance Administration and who—

"'(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

"'(A) taxes (Federal, State, local);

"'(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

"'(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

"'(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

"'(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

"'(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.'.

"(b) The first section of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before '; and', the following: ', except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of section 1761(c) of title 18, United States Code'.

18 USC 1761 note.

"(c) The provisions of this section creating exemptions to Federal restrictions on marketability of prison made goods shall not apply unless—

Labor unions, consultation.

"(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project qualifying of any exemption created by this section; and

Effect on labor market.

"(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.

"PART I—DEFINITIONS

"DEFINITIONS

42 USC 3791.

"SEC. 901. (a) As used in this title—

"(1) 'criminal justice' means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(3) 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia;

"(4) 'construction' means the erection, acquisition, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor, but does not include renovation, repairs, or remodeling;

"(5) 'combination' as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice program or project;

"(6) 'public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

"(7) 'correctional institution or facility' means any place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses;

"(8) 'comprehensive', with respect to an application, means that the application must be based on a total and integrated analysis of the criminal justice problems, and that goals, priorities, and standards for methods, organization, and operation performance must be established in the application;

"(9) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice informational system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

"(10) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

"(11) 'neighborhood or community-based organizations' means organizations which are representative of communities or significant segments of communities;

"(12) 'chief executive' means the highest official of a State or local jurisdiction;

"(13) 'municipality' means—

"(A) any unit of local government which is classified as a municipality by the United States Bureau of the Census; or

"(B) any other unit of local government which is a town or township and which, in the determination of the Administration—

"(i) possesses powers and performs functions comparable to those associated with municipalities;

"(ii) is closely settled; and

"(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census;

"(14) 'population' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

"(15) 'Attorney General' means the Attorney General of the United States or his designee;

"(16) 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort' the term 'court' means a tribunal recognized as a part of the judicial branch of a State or of its local government units;

"(17) 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate;

"(18) 'white-collar crime' means an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage;

"(19) 'proven effectiveness' means that a program, project, approach, or practice has been shown by analysis of performance and results to make a significant contribution to the accomplishment of the objectives for which it was undertaken or to have a significant effect in improving the condition or problem it was undertaken to address;

"(20) 'record of proven success' means that a program, project, approach, or practice has been demonstrated by evaluation or by analysis of performance data and information to be successful in a number of jurisdictions or over a period of time in contributing to the accomplishment of objectives or to improving conditions identified with the problem, to which it is addressed; and

"(21) 'high probability of improving the criminal justice system' means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementation plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed.

Data base.

"(b) Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Administration may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

"(c) One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of local government to undertake a program or project in whole or in part.

"PART J—FUNDING

"AUTHORIZATION OF APPROPRIATIONS

42 USC 3793.

"SEC. 1001. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be appropriated to carry out the functions of the National Institute of Justice $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be appropriated for parts D, E, F, G, H, and J, and for the purposes of carrying out the remaining functions of the Law Enforcement Assistance Administration, other than part L, $750,000,000 for the fiscal year ending September 30, 1980; $750,000,000 for the fiscal year ending September 30, 1981; $750,000,000 for the fiscal year ending September 30, 1982; and $750,000,000 for the fiscal year ending September 30, 1983. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part L.

Ante, pp. 1179, 1192, 1195, 1198, 1201.

"MAINTENANCE OF EFFORT

42 USC 3793a.

42 USC 5671.

"SEC. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under this title, for juvenile delinquency programs, with primary emphasis on programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult.

"AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF ANTI-CRIME PROGRAMS

"SEC. 1003. There are authorized to be appropriated for the purposes of carrying out the functions of the Office of Community Anti-Crime Programs $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983. 42 USC 3793b.

"PART K—CRIMINAL PENALTIES

"MISUSE OF FEDERAL ASSISTANCE

"SEC. 1101. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Law Enforcement Assistance Administration, the National Institute of Justice, the Bureau of Justice Statistics, or whoever receives, conceals, or retains such funds, assets or property with intent to convert such funds, assets or property to his use or gain, knowing such funds, assets, or property has been embezzled, willfully misapplied, stolen or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both. 42 USC 3795.

"FALSIFICATION OR CONCEALMENT OF FACTS

"SEC. 1102. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code. 42 USC 3795a.

"CONSPIRACY TO COMMIT OFFENSE AGAINST UNITED STATES

"SEC. 1103. Any law enforcement or criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Law Enforcement Assistance Administration, the National Institute of Justice, or the Bureau of Justice Statistics shall be subject to the provisions of section 371 of title 18, United States Code. 42 USC 3795b.

"PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 1201. (a) In any case in which the Administration determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Administration shall pay a benefit of $50,000 as follows: 42 USC 3796.

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Administration determines upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 8191 of title 5, United States Code; or

"(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

42 USC 3796a.

"SEC. 1202. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"DEFINITIONS

42 USC 3796b.

"SEC. 1203. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(i) eighteen years of age or under;

"(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, combination of such States, or units, or any department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

"ADMINISTRATIVE PROVISIONS

Rules, regulations, and procedures.
42 USC 3796c.

"SEC. 1204. (a) The Administration is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Administration. The Administration may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Administration, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 1201, the Administration may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Administration.

"PART M—TRANSITION—EFFECTIVE DATE—REPEALER

"CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

42 USC 3797.

"SEC. 1301. (a) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on the date of the enactment of the Justice System Improvement Act of 1979 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this title or by operation of law.

Ante, p. 1167.

"(b) The Director of the National Institute of Justice may award new grants, enter into new contracts or cooperative agreements, or otherwise obligate previously appropriated unused or reversionary funds for the continuation of research and development projects in accordance with the provisions of this title as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

Ante, p. 1167.

"(c) The Director of the Bureau of Justice Statistics may award new grants, enter into new contracts or cooperative agreements or otherwise obligate funds appropriated for fiscal years before 1980 for statistical projects to be expended in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

"(d) The Administrator of the Law Enforcement Assistance Administration may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 1979, and otherwise obligate previously appropriated unused or reversionary funds or funds appropriated for the fiscal year beginning October 1, 1979, for the continuation of projects in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979 or for purposes consistent with provisions of this title.

Suits.

"(e) The amendments made to this title by the Justice System Improvement Act of 1979 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

"(f) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which continue in operation beyond the date of the enactment of such Act may be carried out with funds appropriated for purposes of this title.

Personnel, transfer.

"(g) Except as otherwise provided in this title, the personnel employed on the date of enactment of the Justice System Improvement Act of 1979 by the Law Enforcement Assistance Administration are transferred as appropriate to the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice or the Bureau of Justice Statistics, considering the function to be performed by these organizational units and the functions previously performed by the employee. Determinations as to specific positions to be filled in an acting capacity for a period of not more than ninety days by the Administrator and Deputy Administrators employed on the date of enactment of the Justice System Improvement Act of 1979 may be made by the Attorney General notwithstanding any other provision of law.

Ante, pp. 1172, 1176, 1192.

"(h) Any funds made available under parts B, C, and E of this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which are not obligated by a State or unit of local government, may be used to provide up to 100 per centum of the cost of any program or project.

"(i) Notwithstanding any other provision of this title, all provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, which are necessary to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, remain in effect for the sole purpose of carrying out the Juvenile Justice and Delinquency Prevention Act of 1974, and the State criminal justice council established under this title shall serve as the State planning agency for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.

42 USC 5601 note.

"(j) The functions, powers, and duties specified in this title to be carried out by State criminal justice councils or by local offices may be carried out by agencies previously established or designated as State, regional, or local planning agencies, pursuant to this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, if they meet the representation requirement of section 402 of this title within two years of the date of the enactment of the Justice System Improvement Act of 1979.

Ante, p. 1167.
Ante, p. 1181.

"(k) Notwithstanding the provisions of section 404(c)(3), any construction projects which were funded under this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, and which were budgeted in anticipation of receiving additional Federal funding for such construction may continue for two years to be funded under this title.".

Construction projects.
Ante, p. 1188.

Approved December 27, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-163 accompanying H.R. 2061 (Comm. on the Judiciary) and No. 96-655 and No. 96-695 (Comm. of Conference).
SENATE REPORT No. 96-142 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 21, considered and passed Senate.
Oct. 12, H.R. 2061 considered and passed House; passage vacated and S. 241, amended, passed in lieu.
Dec. 11, Senate agreed to conference report.
Dec. 13, House agreed to conference report.

Public Law 96-158
96th Congress

An Act

Dec. 27, 1979
[H.R. 5645]

To grant to the Little Sisters of the Poor all right, title, and interest of the United States in the land comprising certain alleys in the District of Columbia.

Little Sisters of the Poor, D.C. Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That all right, title, and interest of the United States in and to the land comprising the alleys abutting the property described as lot 800, square 751, in the District of Columbia (together with all buildings and improvements on such land) which was conveyed by the Act of December 21, 1893 (28 Stat. 21), is hereby granted to the Little Sisters of the Poor, a nonprofit corporation of the District of Columbia.**

Approved December 27, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-551 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 27, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 96-159
96th Congress

An Act

To authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1980, 1981, and 1982, and for other purposes.

Dec. 28, 1979
[S. 1143]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a)(5) of the Endangered Species Act of 1973 (16 U.S.C. 1531(a)(5)) is amended by striking out "fish and wildlife." and inserting in lieu thereof "fish, wildlife, and plants.".

Endangered Species Act of 1973, appropriation authorization.

SEC. 2. Section 3(11) of the Endangered Species Act of 1973 (16 U.S.C. 1532(11)) is amended by striking out "(A)" and all that follows thereafter and inserting in lieu thereof "violate section 7(a)(2).".

SEC. 3. Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended—

(1) by amending subsection (b)(1) by striking out "him" and inserting in lieu thereof the following: "him after conducting a review of the status of the species";

(2) by amending subsection (f)(2)(B)(i) to read as follows:

Publication in Federal Register.

"(i) not less than 60 days before the effective date of the regulation, shall publish—

"(I) a general notice and the complete text of the proposed regulation in the Federal Register, and

"(II) if the proposed regulation specifies any critical habitat, general notice of the regulation (including a summary of the text, and a map of the proposed critical habitat) in a newspaper of general circulation within or adjacent to such habitat;";

(3) by amending subsection (f)(2)(B)(iv)(II) by striking out "if requested," and inserting in lieu thereof "if requested within 15 days after the date on which the public meeting is conducted,";

(4) by amending that part of subsection (f)(2)(C) which precedes clause (i) by inserting ", subsection (b)(4) of this section," immediately after "Neither subparagraph (A) or (B) of this paragraph";

(5) by amending subsection (f)(2)(C)(ii)—

(A) by striking out "fish or wildlife," and inserting in lieu thereof "fish or wildlife or plants,",

(B) by striking out "fish and wildlife," and inserting in lieu thereof "fish, wildlife, and plants,",

(C) by striking out "120-day period" each place it appears therein and inserting in lieu thereof "240-day period", and

(D) by adding at the end thereof the following new sentence: "If at any time after issuing an emergency regulation the Secretary determines, on the basis of the best scientific and commercial data available to him, that substantial evidence does not exist to warrant such regulation, he shall withdraw it."; and

(6) by adding at the end thereof the following new subsection:

Publication in Federal Register.

"(h) AGENCY GUIDELINES.—The Secretary shall establish, and publish in the Federal Register, agency guidelines to insure that the purposes of this section are achieved efficiently and effectively. Such guidelines shall include, but are not limited to—

"(1) procedures for recording the receipt and the disposition of petitions submitted under subsection (c)(2) of this section;

"(2) criteria for making the findings required under such subsection with respect to petitions;

"(3) a ranking system to assist in the identification of species that should receive priority review for listing; and

"(4) a system for developing and implementing, on a priority basis, recovery plans under subsection (g) of this section.

Comments.

The Secretary shall provide to the public notice of, and opportunity to submit written comments on, any guideline (including any amendment thereto) proposed to be established under this subsection.".

SEC. 4. Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) is amended—

(1) by amending subsection (a)—

(A) by striking out "(a) CONSULTATION.—" and inserting in lieu thereof "(a) FEDERAL AGENCY ACTIONS AND CONSULTATIONS.—(1)";

(B) by striking out the third sentence thereof; and

(C) by adding at the end thereof the following:

"(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

16 USC 1533.

"(3) Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. This paragraph does not require a limitation on the commitment of resources as described in subsection (d).";

(2) by amending the last sentence of subsection (b) to read as follows: "The Secretary shall suggest those reasonable and prudent alternatives which he believes would not violate subsection (a)(2) and can be taken by the Federal agency or the permit or license applicant in implementing the agency action.";

(3) by amending each of subsections (b), (c), (d), (e)(2), (f), (g)(1) and (5), (h)(1), and (m) by striking out "subsection (a)" wherever it appears therein and inserting in lieu thereof "subsection (a)(2)";

(4) by further amending subsection (c)—

(A) by inserting "(1)" immediately after "BIOLOGICAL ASSESSMENT.—", and

(B) by adding at the end thereof the following new paragraph:

"(2) Any person who may wish to apply for an exemption under subsection (g) of this section for that action may conduct a biological assessment to identify any endangered species or threatened species which is likely to be affected by such action. Any such biological assessment must, however, be conducted in cooperation with the

Secretary and under the supervision of the appropriate Federal agency.";

(5) by striking out "avoid jeopardizing" and all that follows thereafter in subsection (d) and inserting in lieu thereof "not violate subsection (a)(2).";

(6) by further amending subsection (g)(1) by striking out "may jeopardize" and all that follows thereafter in the first sentence thereof and inserting in lieu thereof "would violate subsection (a)(2).";

(7) by amending subsection (g)(2)(A) by striking out "process." and inserting in lieu thereof "process; or, in the case of any agency action involving a permit or license applicant, not later than 90 days after the date on which the Federal agency concerned takes final agency action, for purposes of chapter 7 of title 5, United States Code, with respect to the issuance of the permit or license."; 5 USC 701 *et seq.*

(8) by amending subsection (g)(3) by redesignating subparagraph (B) as subparagraph (C), and by inserting immediately after subparagraph (A) the following new subparagraph:

"(B) If biological opinions of both the Secretary of the Interior and the Secretary of Commerce indicate that an agency action would violate subsection (a)(2), such Secretaries shall jointly convene a review board to consider any application for exemption filed with respect to such agency action.";

(9) by further amending subsection (g)(5)—

(A) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively,

(B) by inserting "the Federal agency concerned and" immediately before "such exemption applicant" in clause (B) (as so redesignated),

(C) by redesignating subclauses (A), (B), and (C) as subclauses (i), (ii), and (iii), respectively,

(D) by striking out "will avoid jeopardizing" and all that follows thereafter in subclause (i) (as so redesignated) and inserting in lieu thereof "would not violate subsection (a)(2);", and

(E) by striking out "exemption applicant" and all that follows thereafter in the last sentence and inserting in lieu thereof "Federal agency concerned or the exemption applicant has not met its respective requirements under subclause (i), (ii), or (iii) shall be considered final agency action for purposes of chapter 7 of title 5 of the United States Code.";

(10) by amending subsection (g)(6) by striking out "subparagraphs (A), (B), and (C)" and inserting in lieu thereof "subclauses (i), (ii), and (iii)";

(11) by amending subsection (h)(2) to read as follows:

"(2)(A) Except as provided in subparagraph (B), an exemption for an agency action granted under paragraph (1) shall constitute a permanent exemption with respect to all endangered or threatened species for the purposes of completing such agency action—

"(i) regardless whether the species was identified in the biological assessment; and

"(ii) only if a biological assessment has been conducted under subsection (c) with respect to such agency action.

"(B) An exemption shall be permanent under subparagraph (A) unless—

"(i) the Secretary finds, based on the best scientific and commercial data available, that such exemption would result in the extinction of a species that was not the subject of consultation under subsection (a)(2) or was not identified in any biological assessment conducted under subsection (c), and

"(ii) the Committee determines within 60 days after the date of the Secretary's finding that the exemption should not be permanent.

If the Secretary makes a finding described in clause (i), the Committee shall meet with respect to the matter within 30 days after the date of the finding."; and

(12) by amending the first sentence of subsection (q) to read as follows: "There are authorized to be appropriated to the Secretary to assist review boards and the Committee in carrying out their functions under subsections (e), (f), (g), and (h) of this section not to exceed $600,000 for each of fiscal years 1979, 1980, 1981, and 1982.".

SEC. 5. Section 8 of the Endangered Species Act of 1973 (16 U.S.C. 1537) is amended—

(1) by inserting "and plants" immediately after "fish or wildlife" in subsection (b)(1);

(2) by inserting "or plants" immediately after "fish or wildlife" each place it appears in subsection (b)(3);

(3) by inserting "or plants" immediately after "fish or wildlife" in subsection (c)(1); and

(4) by striking out subsection (e).

SEC. 6. (a) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is further amended—

(1) by adding immediately after section 8 the following new section:

"CONVENTION IMPLEMENTATION

16 USC 1537a.

"SEC. 8A. (a) MANAGEMENT AUTHORITY AND SCIENTIFIC AUTHORITY.—The Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') is designated as the Management Authority and the Scientific Authority for purposes of the Convention and the respective functions of each such Authority shall be carried out through the United States Fish and Wildlife Service.

"(b) MANAGEMENT AUTHORITY FUNCTIONS.—The Secretary shall do all things necessary and appropriate to carry out the functions of the Management Authority under the Convention.

"(c) SCIENTIFIC AUTHORITY FUNCTIONS.—The Secretary shall do all things necessary and appropriate to carry out the functions of the Scientific Authority under the Convention.

"(d) INTERNATIONAL CONVENTION ADVISORY COMMISSION.—(1) There is hereby established the International Convention Advisory Commission (hereinafter in this section referred to as the 'Commission').

Membership.

"(2) The Commission shall be composed of the following members:

"(A) One member appointed by each of the following Federal officers from his respective agency:

"(i) The Secretary.

"(ii) The Secretary of Agriculture.

"(iii) The Secretary of Commerce.

"(iv) The Director of the National Science Foundation.

"(v) The Chairman of the Council on Environmental Quality.

"(B) One member appointed by the Secretary from among officers and employees of the State agencies having fish and wildlife conservation and management responsibilities.

"(C) The Secretary of the Smithsonian Institution is invited to appoint a member.

"(3)(A) Individuals who are appointed as members of the Commission under paragraph (2) must be scientifically qualified.

Term of office.

"(B) The term of office of a member of the Commission appointed under paragraph (2)(B) is two years and an individual may be appointed under such paragraph for any number of terms; except that an individual may not be appointed under that paragraph for a term that would be a third consecutive term for that individual under that paragraph.

Travel expenses.

"(C) While away from his home or regular place of business in the performance of services for the Commission, a member appointed under paragraph (2) (B) or (C) shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(D) Members of the Commission who are full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

Chairman.

"(4)(A) The Commission shall elect a chairman from among its members. The term of office of the chairman is one year.

"(B) No recommendation referred to in paragraph (5) shall be deemed to be a recommendation of the Commission unless a majority of the members of the Commission vote for that recommendation.

Recommendations to Secretary.

"(5) The Commission shall make recommendations to the Secretary or his designee on all matters pertaining to the responsibilities of the Scientific Authority under the terms of the Convention. The Commission shall include with any such recommendation any written dissenting view made by any member.

Experts and consultants.

"(6) In the discharge of its responsibilities, the Commission shall, to the extent practicable, ascertain the views of, and utilize the expertise of, the governmental and nongovernmental scientific communities, State agencies responsible for the conservation of wild fauna or flora, humane groups, zoological and botanical institutions, recreational and commercial interests, the conservation community and others as appropriate.

Explanation, publication in Federal Register.

"(7) In any case in which the Scientific Authority decides not to accept a recommendation made by the Commission under paragraph (5), the Scientific Authority shall provide to the Commission a written explanation of the reasons for that decision and shall publish the explanation in the Federal Register.

Executive Secretary.

"(8)(A) The Chairman of the Commission, with the concurrence of the Commission, shall appoint an Executive Secretary for the Commission. The Executive Secretary shall carry out such duties and functions as shall be prescribed by the Commission, shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 5101 *et seq.*, 5331.

"(B) The Secretary shall provide the necessary staff and administrative support for the Commission.

"(e) WILDLIFE PRESERVATION IN WESTERN HEMISPHERE.—The President shall designate those agencies of the Federal Government that shall act on behalf of, and represent, the United States in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere."; and

(2) by amending the table of contents by inserting immediately after the section title for section 8 the following:

"Sec. 8A. Convention implementation.".

16 USC 1537a note.

(b) Until such time as the Chairman, Members, and Executive Secretary of the International Convention Advisory Commission are appointed, but not later than 90 days after the date of the enactment of this Act, the functions of the Commission shall be carried out by the Endangered Species Scientific Authority as established by Executive Order Numbered 11911, with staff and administrative support being provided by the Secretary of the Interior as set forth in that Executive order.

16 USC 1537 note.

SEC. 7. Section 10(f) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)) is amended—

(1) in paragraph (4), by inserting "unless such exemption is renewed under paragraph (8)" after "certificate" in subparagraph (C); and

(2) by adding at the end thereof the following new paragraphs:

"(8)(A) Any person to whom a certificate of exemption has been issued under paragraph (4) of this subsection may apply to the Secretary for a renewal of such exemption for a period not to exceed three years beginning on the expiration date of such certificate. Such application shall be made in the same manner as the application for exemption was made under paragraph (3), but without regard to subparagraph (A) of such paragraph.

"(B) If the Secretary approves any application for renewal of an exemption under this paragraph, he shall issue to the applicant a certificate of renewal of such exemption which shall provide that all terms, conditions, prohibitions, and other regulations made applicable by the original certificate shall remain in effect during the period of the renewal.

"(C) No exemption or renewal of such exemption made under this subsection shall have force and effect after the expiration date of the certificate of renewal of such exemption issued under this paragraph.".

SEC. 8. Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

16 USC 1535, 1536.

"SEC. 15. Except as authorized in sections 6 and 7 of this Act, there are authorized to be appropriated—

"(1) not to exceed $23,000,000 for each of fiscal years 1979 and 1980, not to exceed $25,000,000 for fiscal year 1981, and not to exceed $27,000,000 for fiscal year 1982 to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this Act;

"(2) not to exceed $2,500,000 for each of fiscal years 1979 and 1980, not to exceed $3,000,000 for fiscal year 1981, and not to exceed $3,500,000 for fiscal year 1982 to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act; and

"(3) not to exceed $1,500,000 for fiscal year 1980, not to exceed $1,750,000 for fiscal year 1981, and not to exceed $1,850,000 for fiscal year 1982 to enable the Department of Agriculture to carry out its functions and responsibilities with respect to the enforcement of this Act and the Convention which pertain to the importation or exportation of terrestrial plants.".

Approved December 28, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-167 accompanying H.R. 2218 (Comm. on Merchant Marine and Fisheries) and No. 96-697 (Comm. of Conference).
SENATE REPORT No. 96-151 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 13, considered and passed Senate.
Oct. 24, H.R. 2218 considered and passed House; passage vacated and S. 1143, amended, passed in lieu.
Dec. 19, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 52:
Dec. 28, Presidential statement.

Public Law 96-160
96th Congress

An Act

Dec. 28, 1979
[H.R. 5537]

To amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia.

District of Columbia Self-Government and Governmental Reorganization Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 723(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-241 note) is amended by striking out "October 1, 1979" in the first sentence and inserting in lieu thereof "October 1, 1980, or upon enactment of the fiscal year 1981 appropriation Act for the District of Columbia government, whichever is later".

Approved December 28, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-550 (Comm. on the District of Columbia).
SENATE REPORT No. 96-487 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 27, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 96-161
96th Congress

An Act

Dec. 28, 1979
[H.R. 4998]

To authorize automatic transfer accounts at commercial banks, remote service units at Federal savings and loan associations, and share draft accounts at Federal credit unions during the period beginning on December 31, 1979, and ending on April 1, 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONSUMER SERVICES AND USURY

Automatic transfer accounts at commercial banks, authorization.

Sec. 101. (a) Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this section, a member bank may permit withdrawals to be made automatically from a savings deposit that consists only of funds in which the entire beneficial interest is held by one or more individuals through payment to the bank itself or through transfer of credit to a demand deposit or other account pursuant to written authorization from the depositor to make such payments or transfers in connection with checks or drafts drawn upon the bank, pursuant to terms and conditions prescribed by the Board.".

(b) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "(1)" after "(g)" and by adding at the end thereof the following:

"(2) Notwithstanding the provisions of paragraph (1), an insured nonmember bank may permit withdrawals to be made automatically from a savings deposit that consists only of funds in which the entire beneficial interest is held by one or more individuals through payment to the bank itself or through transfer of credit to a demand deposit or other account pursuant to written authorization from the depositor to make such payments or transfers in connection with checks or drafts drawn upon the bank, pursuant to terms and conditions prescribed by the Board of Directors.".

Remote service units.

Sec. 102. Section 5(b)(1) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)(1)) is amended by adding at the end thereof the following: "This section does not prohibit the establishment of remote service units by associations for the purpose of crediting existing savings accounts, debiting such accounts, crediting payments on loans, and the disposition of related financial transactions as provided in regulations prescribed by the Board.".

12 USC 1752.

Sec. 103. (a) Section 101 of the Federal Credit Union Act is amended—

(1) by inserting before the semicolon at the end of paragraph (5) the following: ", and such term also includes a share draft account";

(2) by striking out "and" at the end of paragraph (8);

(3) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"Share draft account."

"(10) the term 'share draft account' means an account on which payment of interest may be made on a deposit with respect to which the credit union may require the member to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, even though in practice such notice is not required and the member is allowed to make withdrawals by negotiable or transferable instrument for the purpose of making payments to third persons or otherwise. Such account shall consist solely of funds in which the entire beneficial interest is held by one or more individuals, or by an organization operated primarily for religious, philanthropic, charitable, educational, or other similar purpose and not for profit.".

12 USC 1757.

(b) Section 107(6) of such Act is amended by inserting before the semicolon at the end thereof the following: ", and to issue, deal in, and accept share drafts as orders of withdrawal against shares, subject to such terms, rates, and conditions as may be prescribed by the Board".

Effective date. 12 USC 371a note.

SEC. 104. The amendments made by sections 101 through 103 of this title shall take effect on December 31, 1979, and shall remain in effect until the close of March 31, 1980.

12 USC 1735f-7 note

SEC. 105. (a)(1) The provisions of the constitution or law of any State expressly limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved shall not apply to any loan, mortgage, or advance which is—

(A) secured by a first lien on residential real property or by a first lien on stock in a residential cooperative housing corporation where the loan, mortgage, or advance is used to finance the acquisition of such stock;

(B) made after the date of enactment of this Act; and

12 USC 1735f-5.

(C) described in section 527(b) of the National Housing Act, except that the limitation described in section 527(b)(1) that the property must be designed principally for the occupancy of from one to four families shall not apply, the requirement contained in section 527(b)(1) that the loan be secured by residential real property shall not apply to a loan secured by stock in a residential cooperative housing corporation, and for the purpose of this section, the term "lender" in section 527(b)(2)(A) of the National Housing Act shall also be deemed to include any lender approved by the Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act.

"Depository institution."

(2) The provisions of the constitution or law of any State expressly limiting the rate or amount of interest which may be charged, taken, received, or reserved shall not apply to any deposit or account held by, or other obligation of a depository institution. As used in this paragraph, the term "depository institution" means—

18 USC 709, 709 note.

(A) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(B) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(C) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(D) any member as defined in this section;

12 USC 1730a.

(E) any insured institution as defined in section 408 of the National Housing Act; and

12 USC 1752.

(F) any insured credit union as defined in section 101(7) of the Federal Credit Union Act.

(b) The provisions of subsection (a)(1) shall apply to loans, mortgages, and advances made in any State unless and until the State adopts a provision of law (prior to the close of March 31, 1980) limiting the rate or amount of interest, discount points, or other charges on any such loan, mortgage, or advance, except that at any time after the date of enactment of this Act any State may adopt a provision of law placing limitations on discount points or such other charges on any such loan, mortgage, or advance.

Rules and regulations.

(c) The Federal Home Loan Bank Board is authorized to issue rules and regulations and to publish interpretations governing the implementation of this section.

Expiration date.

(d) The provisions of subsection (a)(1) expire at the close of March 31, 1980, except that such provisions shall continue to apply to any loan, mortgage, or advance described in subsection (a)(1) for the duration of such loan, mortgage, or advance if it is made prior to such expiration or if it is made during the two-year period beginning on the date of enactment of this Act pursuant to a commitment issued prior to such expiration.

"State."

(e) For the purpose of this Act and any amendment made by this Act, the term "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territories of the Pacific Islands, and the Virgin Islands.

SEC. 106. Section 2(a) of Public Law 93-100 (12 U.S.C. 1832(a)) is amended by inserting "New Jersey," after "New York,".

TITLE II—INTEREST RATE AMENDMENTS REGARDING STATE USURY CEILINGS ON CERTAIN LOANS

SEC. 201. Section 5197 of the Revised Statutes, as amended (12 U.S.C. 85), is amended by inserting in the first and second sentences before the phrase "whichever may be the greater", the following: "or in the case of business or agricultural loans in the amount of $25,000 or more, at a rate of 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the bank is located,".

SEC. 202. The Federal Deposit Insurance Act (12 U.S.C. 1811-1831) is amended by inserting after section 23 the following new section:

12 USC 1831a.

"SEC. 24. (a) In order to prevent discrimination against State-chartered insured banks with respect to interest rates, if the applicable rate prescribed in this subsection exceeds the rate such State bank would be permitted to charge in the absence of this subsection, a State bank may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the bank is located, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run.

"(b) If the rate prescribed in subsection (a) exceeds the rate such State bank would be permitted to charge in the absence of this paragraph, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate of interest than is allowed by subsection (a) when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of the interest paid from the State bank taking or receiving such interest.".

SEC. 203. Title IV of the National Housing Act (12 U.S.C. 1724-1730f) is amended by inserting after section 411 the following new section:

12 USC 1730e.

"SEC. 412. (a) If the applicable rate prescribed in this section exceeds the rate an insured institution would be permitted to charge in the absence of this section, such institution may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the institution is located, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run.

"(b) If the rate prescribed in subsection (a) exceeds the rate such institution would be permitted to charge in the absence of this section, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate of interest than that prescribed by subsection (a), when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of the interest paid from the institution taking or receiving such interest.".

15 USC 687.

SEC. 204. Subsection (h) of section 308 of the Small Business Investment Act of 1958 is amended to read as follows:

"(h)(1) The purpose of this subsection is to facilitate the orderly and necessary flow of long-term loans and equity funds to small business investment companies to small business concerns.

"(2) In the case of a business loan the principal amount of which is $25,000 or more, the small business investment company making such loan may charge interest on such loan at a rate which does not exceed the lowest of the rates described in subparagraphs (A), (B), and (C).

"(A) The rate described in this subparagraph is the maximum rate prescribed by regulation by the Small Business Administration for loans made by any small business investment company (determined without regard to any State rate incorporated by such regulation).

"(B) The rate described in this subparagraph is the maximum rate authorized by an applicable State law which is not preempted for purposes of this subsection.

"(C)(i) The rate described in this subparagraph is the higher of the Federal Reserve rate or the maximum rate authorized by applicable State law (determined without regard to the preemption of such State law).

"Federal Reserve rate."

"(ii) For purposes of clause (i), the term 'Federal Reserve rate' means the rate equal to the sum of 5 percentage points plus the discount rate on ninety-day commercial paper in effect at the

Federal Reserve bank in the Federal Reserve district in which the principal office of the small business investment company is located.

"(iii) The rate described in this subparagraph shall not apply to loans made in a State if there is no maximum rate authorized by applicable State law for such loans or there is a maximum rate authorized by an applicable State law which is not preempted for purposes of this subsection.

"(3) A State law shall be preempted for purposes of paragraph (2)(B) with respect to any loan if such loan is made before the earliest of—

"(A) in the case of a State statute, July 1, 1980;

"(B) the date, after the date of the enactment of this paragraph, on which such State adopts a law stating in substance that such State does not want this subsection to apply with respect to loans made in such State; or

"(C) the date on which such State certifies that the voters of such State, after the date of the enactment of this paragraph, have voted in favor of, or to retain, any law, provision of the constitution of such State, or amendment to the constitution of such State which prohibits the charging of interest at the rates provided in this subsection.

"(4)(A) If the maximum rate of interest authorized under paragraph (2) on any loan made by a small business investment company exceeds the rate which would be authorized by applicable State law if such State law were not preempted for purposes of this subsection, the charging of interest at any rate in excess of the rate authorized by paragraph (2) shall be deemed a forfeiture of the greater of (i) all interest which the loan carries with it, or (ii) all interest which has been agreed to be paid thereon.

"(B) In the case of any loan with respect to which there is a forfeiture of interest under subparagraph (A), the person who paid the interest may recover from a small business investment company making such loan an amount equal to twice the amount of the interest paid on such loan. Such interest may be recovered in a civil action commenced in a court of appropriate jurisdiction not later than two years after the most recent payment of interest.".

SEC. 205. (a) In order to prevent discrimination against any financial institution chartered pursuant to the statutes of the United States with respect to interest rates, if the applicable rate prescribed in this section exceeds the rate such federally chartered financial institution would be permitted to charge in the absence of this section, the federally chartered financial institution may in the case of business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this section, take, receive, reserve, and charge on any loan, interest at a rate of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the federally chartered financial institution is located. 12 USC 86a.

(b) If the rate prescribed in subsection (a) exceeds the rate such federally chartered financial institution would be permitted to charge in the absence of this section, and such State fixed rate is thereby preempted by the rate described in subsection (a), the taking, receiving, reserving, or charging a greater rate than is allowed by subsection (a), when knowingly done, shall be deemed a forfeiture of the entire interest which the loan carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person who paid it may recover, in a civil action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of interest paid from the federally chartered financial institution taking or receiving such interest.

Savings provision. 12 USC 1831a note.

SEC. 206. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of the title and the application of such provision to any person or circumstance other than that as to which it is held invalid shall not be affected thereby.

Effective dates. 12 USC 1831a note.

SEC. 207. The amendments made by sections 201 through 205 of this title and the provisions of sections 201 through 205 of this title shall apply only with respect to loans made in any State during the period beginning on the date of enactment of this Act and ending on the earliest of—

(1) in the case of a State statute, July 1 1980;

(2) the date, after the date of the enactment of this Act, on which such State adopts a law stating in substance that such State does not want the amendments made by sections 201 through 205 of this title and the provisions of this title to apply with respect to loans made in such State; or

(3) the date on which such State certifies that the voters of such State, after the date of the enactment of this Act, have voted in favor of, or to retain, any law, provision of the constitution of such State, or amendment to the constitution of such State which prohibits the charging of interest at the rates provided in the amendments made by sections 201 through 205 of this title and the provisions of this title.

SEC. 208. Section 19 of the Federal Reserve Act (12 U.S.C. 461 et seq.) is amended by inserting after subsection (j) the following new subsection:

12 USC 371b-1.

"(k) No member bank or affiliate thereof, or any successor or assignee of such member bank or affiliate or any endorser, guarantor, or surety of such member bank or affiliate may plead, raise, or claim directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such member bank or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such member bank or affiliate or to any other person.".

SEC. 209. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by inserting after subsection (j) the following new subsection:

"(k) No insured nonmember bank or affiliate thereof, or any successor or assignee of such bank or affiliate or any endorser, guarantor, or surety of such bank or affiliate may plead, raise, or claim, directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such bank or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such bank or affiliate or to any other person.".

SEC. 210. Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by inserting after subsection (d) the following new subsection:

"(e) No member or nonmember association, institution, or bank or affiliate thereof, or any successor or assignee, or any endorser, guarantor, or surety thereof may plead, raise, or claim, directly or by counterclaim, setoff, or otherwise, with respect to any deposit or obligation of such member or nonmember association, institution, bank, or affiliate, any defense, right, or benefit under any provision of a statute or constitution of a State or of a territory of the United States, or of any law of the District of Columbia, regulating or limiting the rate of interest which may be charged, taken, received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such member or nonmember association, institution, bank, or affiliate or to any other person.".

Effective dates.
12 USC 371b-1 note.

SEC. 211. The amendments made by sections 208, 209, and 210 of this title shall apply only with respect to deposits made or obligations issued in any State during the period beginning on the date of the enactment of this Act and ending on the earliest of—

(1) in the case of a State statute, July 1, 1980;

(2) the date, after the date of the enactment of this Act, on which such State adopts a law stating in substance that such State does not want the amendments made by sections 208, 209, and 210 of this title to apply with respect to such deposits and obligations; or

(3) the date on which such State certifies that the voters of such State, after the date of the enactment of this Act, have voted in favor of, or to retain, any law, provision of the constitution of such State, or amendment to the constitution of such State which limits the amount of interest which may be charged in connection with such deposits and obligations.

Repeal.
12 USC 85 note.

SEC. 212. Effective at the close of the day preceding the date of enactment of this title, the Act entitled "An Act to authorize on a temporary basis certain business and agricultural loans, notwithstanding interest limitations in State constitutions or statutes, and for other purposes" (Public Law 96-104), and the amendments made by such Act, are repealed, except that—

Ante, p. 789.

(1) the amendments made by title I of such Act and the provisions of such title shall apply to any loan made in any State on or after November 5, 1979, but prior to such repeal; and

Ante, p. 792.

(2) the amendments made by title II of such Act shall apply to any deposit made or obligation issued in any State on or after November 5, 1979, but prior to such repeal.

Effective date.
12 USC 86a note.
15 USC 687.

Sec. 213. Notwithstanding any other provision of this title, subject to sections 207 (2) and (3) and 211 (2) and (3) of this Act and section 308(h)(3) (B) and (C) of the Small Business Investment Act of 1958, the provisions of this title shall continue to apply until July 1, 1981, in the case of any State having a constitutional provision regarding maximum interest rates.

Approved December 28, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-421 (Comm. on Banking, Finance, and Urban Affairs).
SENATE REPORT No. 96-423 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- Sept. 17, considered and passed House.
- Dec. 10, considered and passed Senate, amended.
- Dec. 17, House concurred in Senate amendments with amendments.
- Dec. 18, Senate concurred in House amendments with an amendment.
- Dec. 19, House concurred in Senate amendment with an amendment; Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 52:
- Dec. 28, Presidential statement.

Public Law 96-162
96th Congress

An Act

To authorize the Secretary of the Interior to engage in a feasibility study.

Dec. 28, 1979
[S. 585]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Department of the Interior is authorized and directed to conduct a feasibility study of the Yakima River Basin Water Enhancement Project, which shall include an analysis by the United States Geological Survey of the water-supply data for the Yakima River Basin. The Secretary is authorized to accept moneys from the State of Washington or other persons or entities, public or private, to assist in the financing of the feasibility study.

Yakima River Basin Water Enhancement Project, feasibility study.

Approved December 28, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-601 accompanying H.R. 2757 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-248 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
July 23, considered and passed Senate.
Dec. 10, H.R. 2757 considered and passed House; passage vacated and S. 585, amended, passed in lieu.
Dec. 18, Senate concurred in House amendments.

Public Law 96-163
96th Congress

An Act

Dec. 28, 1979
[H.R. 4943]

Granting the consent of Congress to the compact between the States of New York and New Jersey providing for the coordination, facilitation, promotion, preservation, and protection of trade and commerce in and through the Port of New York District through the financing and effectuation of industrial development projects.

New York-New Jersey Port Authority Compact. Congressional consent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to an agreement or compact amendatory of and supplemental to the Compact between the States of New York and New Jersey creating the Port of New York District and establishing the Port of New York Authority which agreement or compact has been agreed to by such States effective August 24, 1978, and is substantially as follows:

Findings and determinations.

"SECTION 1. The states of New York and New Jersey hereby find and determine:

"a. that to prevent further deterioration of the economy of the port district and thereby to promote, preserve and protect trade and commerce in and through the port of New York district as defined in the compact between the two states dated April thirty, nineteen hundred twenty-one (hereinafter called the port district), it is the policy of each of the two states actively to promote, attract, encourage and develop economically sound commerce and industry through governmental action;

"b. that in order to preserve and protect the position of the port of New York as the nation's leading gateway for world commerce, it is incumbent on the states of New York and New Jersey to make every effort to insure that the port receives its rightful share of interstate and international commerce generated by the manufacturing, industrial, trade and commercial segments of the economy of the nation and of the port district;

"c. that since nineteen hundred fifty the number of available jobs in the port district, particularly within the older central cities thereof, has decreased, thereby resulting in the underutilization of available land and other resources, the erosion of the port district's tax bases and a rate of unemployment substantially in excess of the national average;

"d. that in order to preserve the port district from further economic deterioration, adequate industrial development projects and facilities must be provided, preserved and maintained to attract and retain industry within the port district;

"e. that a number of new industrial development projects and facilities should be organized into industrial parks or districts;

"f. that the construction of such industrial parks or districts shall conform to the policies of the two states with respect to affirmative action and equal employment opportunities;

"g. that providing port district industrial development projects and facilities is in the public interest and involves the exercise of public and essential governmental functions which may include appropriate

best copy available

and reasonable limitations on competition and which must be performed by the two states, or any municipality, public authority, agency or commission of either state and by a joint agency of the two states to accomplish the purposes of this act;

"h. that it is an objective of the two states, acting through the port authority, to facilitate reemployment of residents of the older cities through job training programs and employment opportunity priorities in connection with industrial development parks in their respective cities;

"i. that the acquisition and the use by such joint agency of abandoned, undeveloped or underutilized land or land owned by governmental entities within the port district for the generation of jobs and to reduce the hazards of unemployment would promote, preserve and protect the industry, trade and commerce of the port district, and will materially assist in preserving for the two states and the people thereof the material and other benefits of a prosperous port community;

"j. that the collection, disposal and utilization of refuse, solid waste or waste resulting from other treatment processes is an activity of concern to all citizens within the port district, that the health, safety and general welfare of the citizens within the port district require efficient and reasonable collection and disposal services and efficient utilization of such refuse, solid waste or waste resulting from other treatment processes with adequate consideration given to regional planning and coordination, and, therefore, that the construction and operation of any port district industrial development project and facility should conform to the environmental and solid waste disposal standards and state and county plans therefor in the state in which such project or facility is located;

"k. that the dedication by the municipalities of the port district of refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials, together with the commitment by such municipalities to pay fees to permit the delivery and removal after processing of such refuse or solid waste at rates and for periods of time at least sufficient to assure the continued furnishing of such lower priced energy and material is in the public interest and would be a major incentive for the attraction and retention of industry within the port district;

"l. that the port authority of New York and New Jersey (hereinafter called the port authority), which was created by agreement of the two states as a joint agent for the development of terminal, transportation and other facilities of commerce of the port district and for the promotion and protection of the commerce of the port, is a proper agency to act in their behalf (either directly or by any subsidiary corporation) to finance and effectuate such industrial development projects and facilities;

"m. that it is desirable for the port authority, after consultation with the governing body of each municipality and within the city of New York the appropriate community board or boards and elsewhere another government entity or entities designated by such municipality in which industrial development projects or facilities are proposed to be located and with other persons, including but not limited to private real estate developers, to prepare and adopt a master plan providing for the development of such industrial development projects and facilities in the port district, which plan shall give consideration to the extent of unemployment and the general economic conditions of the respective portions of the port district and shall include among other things the locations and the nature and scope of such projects and facilities as may be included in the plan;

"n. that the undertaking of such industrial development projects and facilities by the port authority has the single object of and is part of a unified plan to aid in preserving the economic well-being of the port district and is found and determined to be in the public interest;

"o. that no such port district industrial development projects and facilities are to be constructed if the sole intent of the construction thereof would be the removal of an industrial or manufacturing plant of an occupant of such projects and facilities from one location to another location or in the abandonment of one or more plants or facilities of such occupant, unless such port district industrial development projects and facilities are reasonably necessary to discourage such occupant from removing such plant or facility to a location outside the port district or are reasonably necessary to preserve the competitive position of such project occupant in its industry;

"p. that no such port district industrial development projects or facilities are to be constructed unless and until the port authority has entered into an agreement or agreements with the municipality in which any such project or facility is to be located with respect to payments in lieu of real estate taxes and the location, nature and scope of any project or facility;

"q. that, subject to entering into said agreement or agreements, the port authority should have the ability to acquire, lease, vacate, clear and otherwise develop abandoned, undeveloped or underutilized property or property owned by governmental entities within the port district and to finance and construct industrial development projects and facilities.

Definitions.

"§ 2. The following terms as used in this act shall have the following meanings:

"a. 'Bonds' shall means bonds, notes, securities or other obligations or evidences of indebtedness;

"b. 'Effectuation' of any project or facility or part of any such project or facility shall include but not be limited to its establishment, acquisition, construction, development, maintenance, operation, improvement (by way of betterments, additions or otherwise) and rehabilitation by the port authority or any other person and the provision of funds therefor through the issuance of obligations, the making or granting of loans or otherwise;

"c. 'General reserve fund statutes' shall mean chapter forty-eight of the laws of New York of nineteen hundred thirty-one as amended, and chapter five of the laws of New Jersey of nineteen hundred thirty-one as amended, and 'general reserve fund' shall mean the general reserve fund of the port authority authorized by said statutes;

"d. 'Governing body' shall mean the board or body vested with the general legislative powers of the municipality in which an industrial development project or facility will be financed or effectuated pursuant to this act;

"e. 'Industrial development project or facility' or 'port district industrial development project or facility' shall mean any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property, located within the New York portion of the port district or within a municipality in the New Jersey portion of the port district which qualified for state aid under the provisions of P.L., 1971, C. 64 as most recently supplemented by P.L., 1978, C. 14 or which may hereafter qualify for such aid, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or under construction, which shall be considered suitable by the port authority for manufacturing, research, non-retail commercial or industrial purposes within an industrial park, or for purposes of warehousing or consumer and supporting services directly related to any of the foregoing or to any other port authority project or facility; and which may also include or be an industrial pollution control facility or a resource recovery facility, provided that no such industrial development project or facility may include or be a facility used for the storage of chemicals, fuel or liquified natural gas unless incidental to the effectuation of such industrial development project or facility;

"f. 'Industrial pollution control facility' shall mean any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property, located within the port district, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in the opinion of the port authority in connection therewith, or incidental thereto, whether or not now in existence or under construction, having to do with or the end purpose of which is the control, abatement or prevention of land, sewer, water, air, noise or general environmental pollution deriving from the operation of industrial, manufacturing, warehousing, commercial and research facilities, including, but not limited to any air pollution control facility, noise abatement facility, water management facility, waste water collecting system, waste water treatment works, sewage treatment works system, sewage treatment system or solid waste disposal facility or site, provided that no such industrial pollution control facility may include or be used as a site for organic landfill or be of a character or nature generally furnished or supplied by any other governmental entity where such industrial pollution control facility is located without the consent of such governmental entity;

"g. 'Municipality' means a city, county, town or village all or any part of which is located within the New York portion of the port district, or a city, county, town, borough or township all or any part of which is located within the New Jersey portion of the port district;

"h. 'Person' means any person, including individuals, firms, partnerships, associations, societies, trusts, public utilities, public or private corporations, or other legal entities, including public or governmental bodies, which may include the port authority, as well as natural persons. 'Person' shall include the plural as well as the singular;

"i. 'Port authority' shall include the port authority and any subsidiary corporation now or hereafter incorporated for any of the purposes of this act; provided, however, as used in sections 4 and 5 of this act it shall not include any such subsidiary corporation;

"j. 'Purposes of this act' shall mean the effectuation of industrial development projects and facilities and of each project or facility constituting a portion thereof and of each part of each project or facility, and purposes incidental thereto;

"k. 'Real property' shall mean lands, structures, franchises and interests in land, including air space and air rights, waters, lands under water, wetlands and riparian rights, and any and all things and rights included within the said term, and includes not only fees simple absolute but also any and all lesser interests, including but not limited to easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise;

"l. 'Resource recovery facility' shall mean any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property located within the port district, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in the opinion of the port authority in connection therewith, or incidental thereto, whether or not now in existence or under construction, for the disposal of refuse or other solid wastes or wastes resulting from other treatment processes and for the recovery and sale or use of energy and other resources from such refuse or other solid wastes or wastes resulting from other treatment processes, provided that no such resource recovery facility may include or be used as a site for organic landfill;

"m. 'Surplus revenues' from any facility shall mean the balance of the revenues from such facility (including but not limited to the revenues of any subsidiary corporation incorporated for any of the purposes of this act) remaining at any time currently in the hands of the port authority after the deduction of the current expenses of the operation and maintenance thereof, including a proportion of the general expenses of the port authority as it shall deem properly chargeable thereto, which general expenses shall include but not be limited to the expense of protecting and promoting the commerce of the port district, and after the deduction of any amounts which the port authority may or shall be obligated or may or shall have obligated itself to pay to or set aside out of the current revenues therefrom for the benefit of the holders of any bonds legal for investment as defined in the general reserve fund statutes;

"n. 'Surplus revenues of port district industrial development projects or facilities' shall mean the surplus revenues of all industrial development projects or facilities effectuated pursuant to the terms of this act.

Port authority's powers, authorization.

"§ 3. (a) In furtherance of the aforesaid findings and determinations, in partial effectuation of and supplemental to the comprehensive plan heretofore adopted by the two said states for the development of the said port district, and subject to the preparation and adoption of the plan authorized in paragraph (b) of this section three and the execution of an agreement or agreements authorized by sections eleven and twelve hereof, the port authority is hereby authorized, empowered and directed to establish, acquire, construct, effectuate, develop, own, lease, maintain, operate, improve, rehabilitate, sell, transfer and mortgage projects or facilities herein referred to as port district industrial development projects or facilities, as defined in this act.

"The port authority is hereby authorized and empowered to establish, levy and collect such rentals, fares, fees and other charges as it may deem necessary, proper or desirable in connection with any facility or part of any facility constituting a portion of any port district industrial development project or facility and to issue bonds for any of the purposes of this act and to provide for payment thereof, with interest thereon, and for the amortization and retirement of such bonds, and to secure all or any portion of such bonds by a pledge of such rentals, fares, fees, charges and other revenues or any part thereon (including but not limited to the revenues of any subsidiary corporation incorporated for any of the purposes of this act) and to secure all or any portion of such bonds by mortgages upon any property held or to be held by the port authority for any of the purposes of this act, and for any of the purposes of this act to exercise all appropriate powers heretofore or hereafter delegated to it by the states of New York and New Jersey, including, but not limited to, those expressly set forth in this act. The surplus revenues of port district industrial development projects or facilities may be pledged in whole or in part as hereinafter provided.

Industrial development, master plan.

"(b) The port authority is hereby authorized to initiate studies and prepare and adopt a master plan providing for the development of port district industrial development projects and facilities which shall include the location of such projects and facilities as may be included in the plan and shall to the maximum extent practicable include inter alia a general description of each of such projects and facilities, the land use requirements necessary therefor, and estimates of project costs, of project employment potential and of a schedule for commencement of each such project. Prior to adopting such master plan, the port authority shall give written notice to, afford a reasonable opportunity for comment, consult with and consider any recommendation made by the governing body of municipalities and within the city of New York the appropriate community board or boards and elsewhere another governmental entity or entities designated by such municipality in which industrial development projects or facilities are proposed to be located and with such other persons, including but not limited to private real estate developers, which in the opinion of the port authority is either necessary or desirable. The master plan shall include the port authority's estimate of the revenues to be derived by municipalities from each such industrial development project or facility and also a description of the proposed additional arrangements with muncipalities necessary or desirable for each such project or facility. The port authority may modify or change any part of such plan in the same form and manner as provided for the adoption of such original plan. At the time the port authority authorizes any industrial development project or facility, the port authority shall include with such authorization a statement as to the status of each project included in such master plan and any amendment thereof.

New York City, inclusion in plan.

"(c) No industrial development project proposed to be located within the city of New York may be included in such master plan unless and until the mayor of the city of New York requests the port authority to conduct a comprehensive study of the feasibility of the effectuation of one or more industrial development projects or any parts thereof (including resource recovery or industrial pollution control facilities) in such city, which request shall specify the borough in which such comprehensive study is to take place; provided, however, that the president of any borough in which an industrial development project or facility is proposed to be located may within sixty days of receipt of notice of such request, and after consulting with and considering any recommendation made by the local borough improvement board, notify the port authority not to include any proposed industrial development project or facility within that county in such feasibility study. Any such request by the mayor of the city of New York may specify the facilities to be included in such industrial park project.

Financing.

"§ 4. The moneys in the general reserve fund may be pledged in whole or in part by the port authority as security for or applied by it to the repayment with interest of any moneys which it may raise upon bonds issued or incurred by it from time to time for any of the purposes of this act or upon bonds secured in whole or in part by the pledge of the revenues from any industrial development project or facility or any portion thereof or upon bonds both so issued or incurred and so secured; and the moneys in said general reserve fund may be applied by the port authority to the fulfillment of any other undertakings which it may assume to or for the benefit of the holders of any such bonds.

"Subject to prior liens and pledges (and to the obligation of the port authority to apply revenues to the maintenance of its general reserve fund in the amount prescribed by the general reserve fund statutes), the revenues from facilities established, constructed, acquired or otherwise effectuated through the issuance or sale of bonds of the port authority secured in whole or in part by a pledge of its general reserve fund or any portion thereof may be pledged in whole or in part as security for or applied by it to any of the purposes of this act, including the repayment with interest of any moneys which it may raise upon bonds issued or incurred from time to time for any of the purposes of this act or upon bonds secured in whole or in part by the pledge of the revenues of the port authority from any industrial development project or facility or any portion thereof or upon bonds both so issued or incurred and so secured; and said revenues may be applied by the port authority to the fulfillment of any other undertakings which it may assume to or for the benefit of the holders of such bonds.

General reserve fund.

"§ 5. In all cases where the port authority has raised or shall hereafter raise moneys for any of the purposes of this act by the issue and sale of bonds which are secured in whole or in part by a pledge of the general reserve fund or any portion thereof, the surplus revenues from industrial development projects or facilities financed in whole or in part out of the proceeds of such bonds and the surplus revenues from any other port authority facility the surplus revenues of which at such time may be payable into the general reserve fund shall be pooled and applied by the port authority to the establishment and maintenance of the general reserve fund in an amount equal to one-tenth of the par value of all bonds legal for investment, as defined in the general reserve fund statutes, issued by the port authority and currently outstanding, including such bonds issued for any of the purposes of this act; and all such moneys in said general reserve fund may be pledged and applied in the manner provided in the general reserve fund statutes.

"In the event that any time the balance of moneys theretofore paid into the general reserve fund and not applied therefrom shall exceed an amount equal to one-tenth of the par value of all bonds upon the principal amount of which the amount of the general reserve fund is calculated, by reason of the retirement of bonds issued or incurred from time to time for any of the purposes of this act the par value of which had theretofore been included in the computation of said amount of the general reserve fund, then the port authority may pledge or apply such excess for and only for the purposes for which it is authorized by the general reserve fund statutes to pledge the moneys in the general reserve fund and such pledge may be made in advance of the time when such excess may occur.

Port authority's power, restriction on States.

"§ 6. The two states covenant and agree with each other and with the holders of any bonds issued by the port authority for the purposes of this act, that so long as any of such bonds remain outstanding and unpaid and the holders thereof shall not have given their consent as provided in their contract with the port authority, the two states will not diminish or impair the power of the port authority to establish, levy and collect rentals, fares, fees or other charges in connection with industrial development projects or facilities or any other facility owned or operated by the port authority the revenues of which have been or shall be pledged in whole or in part as security for such bonds (directly or indirectly, or through the medium of the general reserve fund or otherwise), or to determine the quantity, quality, frequency or nature of any services provided by the port authority in connection with the operation of each project or facility. This section shall not affect or diminish the provisions of section twelve of this act.

Cooperative agreements.

"§7. The port authority is authorized and empowered to co-operate with the states of New York and New Jersey, with any municipality thereof, with any person, with the federal government and with any agency, public authority or commission of any one or more of the foregoing, or with any one or more of them, for and in connection with the acquisition, clearance, replanning, rehabilitation, reconstruction or redevelopment of any industrial development project or facility or of any other area forming part of any industrial development project or facility for the purpose of renewal and improvement of said area and for any of the purposes of this act, and to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with any such person, municipality, commission, public authority or agency and with the states of New York and New Jersey and with the federal government, or with any one or more of them, for or relating to such purposes, including but not limited to agreements with respect to the dedication by the municipalities of the port district of refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials; with respect to a commitment by such municipalities to pay fees to permit the delivery and removal after processing of such refuse or solid waste at rates and for periods of time at least sufficient to assure the continued availability of such energy and recovered materials; with respect to financial assistance, loans and grants pursuant to any federal law now in effect or hereinafter enacted which would provide such financial assistance, loans and grants in connection with any of the purposes of this act, provided, that if either state shall have or adopt general legislation governing applications for such federal aid by municipalities, public authorities, agencies or commissions of such state or the receipt or disbursement of such federal aid by or on behalf of such municipalities, public authorities, agencies or commissions, then such legislation shall at the option of such state apply to applications by the port authority for such federal aid in connection with an industrial development project or facility located in such state and to the receipt and disbursement of such federal aid by or on behalf of the port authority, in the same manner and to the same extent as other municipalities, public authorities, agencies or commissions of such state; and, with respect to occupancy of space in any industrial development project or facility. The port authority is hereby authorized and empowered to apply for and accept financial assistance, loans and grants for such purposes under federal, state or local laws, and to make application directly to the proper officials or agencies for and receive federal, state or local loans or grants in aid of any of the purposes of this act. Nothing contained in this act shall be construed to limit or impair the power of the governor of the state of New York and the governor of the state of New Jersey to review the actions of the commissioners of the port authority as provided for in chapter seven hundred of the laws of New York of nineteen hundred twenty-seven, as amended, and in chapter three hundred thirty-three of the laws of New Jersey of nineteen hundred twenty-seven, as amended,

Financial assistance from Federal, State, and local governments.

or to authorize the port authority to commence the effectuation of any industrial development project or facility unless and until the municipality in which such project or facility is to be located has consented to the commencement of such effectuation, with such consent to be provided for in the agreement authorized by section 11 or section 12 hereof. The port authority is authorized and empowered to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with any public authority, agency or commission of either or both states to provide for the effectuation of any of the purposes of this act through a subsidiary corporation owned jointly by the port authority and any such public authority, agency or commission, and any such public authority, agency or commission is authorized and empowered to enter into such agreement or agreements with the port authority.

Subsidiary corporation.

Cooperative agreements.

"§8. Notwithstanding any contrary provision of law, general, special or local, either state and any municipality thereof and any commission, public authority or agency of either or both of said two states is authorized and empowered to cooperate with the port authority and to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with the port authority or with any other person for and in connection with or relating to the acquisition, clearance, replanning, rehabilitation, reconstruction, redevelopment, sale, transfer or mortgage of any industrial development project or facility or of any other area forming part of any industrial development project or facility for the purpose of renewal and improvement of said area as aforesaid or for any of the other purposes of this act, including but not limited to the dedication by the municipalities of the port district of refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials and a commitment by such municipalities to pay fees to permit the delivery and removal after processing of such refuse or solid waste at rates and for periods of time at least sufficient to assure the continued availability of such energy and recovered materials, upon such reasonable terms and conditions as may be determined by such state, municipality, public authority, agency or commission and the port authority. Such agreement may, without limiting the generality of the foregoing, further include consent to the use by the port authority or any other person of any real property owned or to be acquired by said state, municipality, public authority, agency or commission and consent to the use by such state, municipality, public authority, agency or commission of any real property owned or to be acquired by the port authority or by any other person which in either case is necessary, convenient or desirable in the opinion of the port authority for any of the purposes of this act, including such real property, improved or unimproved, as has already been devoted to or has been or is to be acquired for urban renewal or other public use, and as an incident to such consent such state, municipality, public authority, agency or commission may grant, convey, lease or otherwise transfer any such real property to the port authority or to any other person and the port authority may grant, convey, lease or otherwise transfer any such real property to such state, municipality, public authority, agency, commission or any other person for such term and upon such conditions as may be agreed upon. If real property of such state, municipality, public authority, agency or commission be leased to the port authority or to any other person for any of the purposes of this act, such state, municipality, public authority, agency or commission may consent to the port authority or any other person having the right to mortgage the fee of such property and thus enable the port authority or such other person to give as security for its bond or bonds a lien upon the land and improvements, but such state, municipality, public authority, agency or commission by consenting to the execution by the port authority or such other person of a mortgage upon the leased property shall not thereby assume and such consent shall not be construed as imposing upon such state, municipality, public authority, agency or commission any liability upon the bond or bonds secured by the mortgage. In connection with any of the purposes of this act, either state and any municipality thereof, any commission, public authority or agency of either or both of said two states, the port authority and any other person are empowered to enter into any other agreement or agreements (and from time to time to enter into agreements amending or supplementing same) which may provide inter alia for the establishment of prices or rates, a requirement that any person sell, lease or purchase any commodity or service from any other person, or any other similar arrangement.

"Nothing contained in this section shall impair or diminish the powers vested in either state or in any municipality, public authority, agency or commission to acquire, clear, replan, reconstruct, rehabilitate or redevelop abandoned, undeveloped or underutilized land and the powers herein granted to either state or any municipality, public authority, agency or commission shall be construed to be in aid of and not in limitation or in derogation of any such powers heretofore or hereafter conferred upon or granted to such state, municipality, public authority, agency or commission.

"Nothing contained in this act shall be construed to authorize the port authority to acquire, by condemnation or the exercise of the right of eminent domain, property now or hereafter vested in or held by either state or by any municipality, public authority, agency or commission without the authority or consent by such state, municipality, public authority, agency or commission, provided that the state under whose laws such public authority, agency or commission has been created may authorize by appropriate legislation the port authority to acquire any such property vested in or held by any such public authority, agency or commission by condemnation or the exercise of the right of eminent domain without such authority or consent; nor shall anything herein impair or invalidate in any way any bonded indebtedness of either state or any such municipality, public authority, agency or commission, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from such property, or dedicating the revenues derived from such property to a specific purpose.

"The port authority, subject to the express authority or consent of any such state, municipality, public authority, agency or commission, is hereby authorized and empowered to acquire from any such state or municipality, or from any other public authority, agency or commission having jurisdiction in the premises, by agreement therewith, and such state or municipality, public authority, agency or commission, notwithstanding any contrary provision of law, is hereby authorized and empowered to grant and convey, upon reasonable terms and conditions, any real property which may be necessary, convenient or desirable for any of the purposes of this act, including such real property as has already been devoted to a public use.

Park lands, restriction on acquisition.

"Notwithstanding any inconsistent provision of this section or act or any compact or general or special law, the port authority may not acquire any park lands for industrial development projects or facilities unless each such conveyance of such land is specifically authorized by the legislature of the state wherein the land is located.

"Any consent by a municipality shall be given and the terms, conditions and execution by a municipality of any agreement, deed, lease, conveyance or other instrument pursuant to this section or any other section of this act shall be authorized in the manner provided in article twenty-two of the compact of April thirty, nineteen hundred twenty-one between the two states creating the port authority, except that as to towns in the state of New York, such consent shall be authorized in the manner provided in the town law and as to counties in the state of New Jersey, such consent shall be authorized in the manner provided in New Jersey statutes annotated, forty: one-one, et seq. Any consent by either state shall be effective if given, and the terms and conditions and execution of any agreement, deed, lease, conveyance or other instrument pursuant to this section or any other section of this act shall be effective if authorized by the governor of such state. Any consent by a public authority, agency or commission shall be effective if given by such public authority, agency or commission.

Suits, actions, or proceedings.

"§ 9. The states of New York and New Jersey hereby consent to suits, actions or proceedings by any municipality, public authority, agency or commission against the port authority upon, in connection with or arising out of any agreement, or any amendment thereof, entered into for any of the purposes of this act, as follows:

"a. for judgments, orders or decrees restraining or enjoining the port authority from transferring title to real property to other persons in cases where it has agreed with said municipality, public authority, agency, or commission for transfer of such title to the municipality, public authority, agency or commission; and

"b. for judgments, orders or decrees restraining or enjoining the port authority from committing or continuing to commit other breaches of such agreement or any amendment thereof; provided, that such judgment, order or decree shall not be entered except upon two days' prior written notice to the port authority of the proposed entry thereof; and provided further that upon appeal taken by the port authority from such judgment, order or decree the service of the notice of appeal shall perfect the appeal and stay the execution of such judgment, order or decree appealed from without an undertaking or other security.

"Nothing herein contained shall be deemed to revoke, rescind or affect any consent to suits, actions, or proceedings against the port authority heretofore given by the two said states in chapter three hundred one of the laws of New York of nineteen hundred fifty and chapter two hundred four of the laws of New Jersey of nineteen hundred fifty-one.

"§ 10. The effectuation of industrial development projects or facilities or any such projects or facilities constituting a portion of any industrial development project or facility, are and will be in all respects for the benefit of the people of the states of New York and New Jersey, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and the port authority and any subsidiary corporation incorporated for any of the purposes of this act shall be regarded as performing an essential governmental function in undertaking the effectuation thereof, and in carrying out the provisions of law relating thereto.

Taxation.

"§ 11. The port authority shall be required to pay no taxes or assessments upon any of the property acquired and used by it for any of the purposes of this act or upon any deed, mortgage or other instrument affecting such property or upon the recording of any such instrument. However, to the end that no taxing jurisdiction shall suffer undue loss of taxes and assessments by reason of the acquisition and ownership of property by the port authority for any of the purposes of this act, the port authority is hereby authorized and empowered, in its discretion, to enter into a voluntary agreement or agreements with any city, town, township or village whereby the port authority will undertake to pay in lieu of taxes a fair and reasonable sum, if any, or sums annually in connection with any real property acquired and owned by the port authority for any of the purposes of this act and to provide for the payment as a rental or additional rental charge by any person occupying any portion of any industrial development project or facility either as lessee, vendee or otherwise of such reasonable sum, if any, or sums as hereinafter provided. Such sums in connection with any real property acquired and owned by the port authority for any of the purposes of this act shall not be more than the sum last paid as taxes upon such real property prior to the time of its acquisition by the port authority; provided, however, that in connection with any portion of any industrial development project or facility, which is owned by the port authority or another governmental entity and improved pursuant to this act with buildings, structures or improvements greater in value than the buildings, structures or improvements in existence at the time of its acquisition, development or improvement by the port authority, any person occupying such portion of such industrial development project or facility either as lessee, vendee or otherwise shall, as long as title thereto shall remain in the port authority or in another governmental entity, pay as a rental or additional rental charge an amount in lieu of taxes, if any, not in excess of the taxes on such improvements and on personal property, including water and sewer service charges or assessments, which such person would have been required to pay had it been the owner of such property during the period for which such payment is made; provided further, however, that neither the port authority nor any of its projects, facilities, properties, monies or bonds and notes shall be obligated, liable or subject to lien of any kind whatsoever for the enforcement, collection or payment thereof. Each such city, town, township or village is hereby authorized and empowered to enter into such agreement or agreements with the port authority which agreement or agreements may also include provisions with respect to the joint review of categories of tenants proposed as occupants for industrial development projects or facilities with the cities, towns, townships or villages in which they are proposed to be located, and to accept the payment or payments which the port authority is hereby authorized and empowered to make or which are paid by a person occupying any such portion of such industrial development project or facility as rental or as additional rental in lieu of taxes, and the sums so received by such city, town, township or village shall be devoted to purposes to which taxes may be applied in all affected taxing jurisdictions unless and until otherwise directed by law of the state in which such city, town, township or village is located. At least ten days prior to the authorization by the port authority of any agreement provided for in this section eleven, the port authority shall notify the chief executive officer of each city in the port district within which an industrial development project or facility has been included in the master plan provided for in paragraph (b) of section three hereof of the proposed authorization of such agreement, shall seek their comments and shall include with such authorization any comments received from such city. The port

Notification to cities.

authority shall not sell or lease substantially all of an industrial development project or facility to a proposed purchaser or lessee without the prior approval by the municipality wherein the project or facility is located of such purchaser or lessee.

"§ 12. Except as otherwise specifically provided, all details of the effectuation, including but not limited to details of financing, leasing, rentals, fees and other charges, rates, contracts and service, of industrial development projects or facilities by the port authority shall be within its sole discretion and its decision in connection with any and all matters concerning industrial development projects or facilities shall be controlling and conclusive; provided that the construction and operation of any such project or facility shall conform to the environmental and solid waste disposal standards and any state and county plans therefor in the state in which such project or facility is located. At least ninety days prior to the authorization by the port authority of the first contract for the construction of any industrial development project or facility, the port authority shall transmit to the governor of the state in which such project or facility is to be located a statement as to the conformance of such industrial development project or facility with such environmental and solid waste disposal standards and any state and county plans therefor, and shall consult with such governor or his designee with respect thereto. The port authority and the city, town, township or village in which any industrial development project or facility is to be located and for whose benefit such project or facility is undertaken are hereby authorized and empowered to enter into an agreement or agreements to provide which local laws, resolutions, ordinances, rules and regulations, if any, of such city, town, township or village affecting any industrial development project or facility shall apply to such project or facility. All other existing local laws, resolutions, ordinances or rules and regulations not provided for in such agreement shall be applicable to such industrial development projects or facilities. All such local laws, resolutions, ordinances or rules and regulations enacted after the date of such agreement or agreements shall not be applicable to such projects or facilities unless made applicable by such agreement or agreements or any modification or modifications thereto.

Environmental statement, transmittal to state governor.

"So long as any facility constituting a portion of any industrial development project or facility shall be owned, controlled or operated by the port authority, no public authority, agency, commission or municipality of either or both of the two states shall have jurisdiction over such project or facility nor shall any such public authority, agency, commission or municipality have any jurisdiction over the terms or method of effectuation of all or any portion thereof by the port authority including but not limited to the transfer of all or any portion thereof to or by the port authority; provided, however, the port authority is authorized and empowered to submit to the jurisdiction over such project or facility of either state or any department thereof or any such public authority, agency, commission or municipality when the exercise of such jurisdiction is necessary for the administration or implementation of federal environmental or solid waste disposal legislation by either state.

Subsidiary corporations.

"Nothing in this act shall be deemed to prevent the port authority from establishing, acquiring, owning, leasing, constructing, effectuating, developing, maintaining, operating, rehabilitating, improving, selling, transferring or mortgaging all or any portion of any industrial development project or facility through wholly owned subsidiary corporations of the port authority or subsidiary corporations owned by the port authority jointly with any public authority, agency or commission of either or both of the two states or from transferring to or from any such corporations any moneys, real property or other property for any of the purposes of this act. If the port authority shall determine from time to time to form such a subsidiary corporation it shall do so by executing and filing with the secretary of state of the State of New York and the secretary of state of the State of New Jersey a certificate of incorporation, which may be amended from time to time by similar filing, which shall set forth the name of such subsidiary corporation, its duration, the location of its principal office, any joint owners thereof, and the purposes of the incorporation which shall be one or more of the purposes of establishing, acquiring, owning, leasing, constructing, effectuating, developing, maintaining, operating, rehabilitating, improving, selling, transferring or mortgaging all or any portion of any industrial development project or facility. The directors of such subsidiary corporation shall be the same persons holding the offices of commissioners of the port authority together with persons representing any joint owner thereof as provided for in the agreement in connection with the incorporation thereof. Such subsidiary corporation shall have all the powers vested in the port authority itself for the purposes of this act except that it shall not have the power to contract indebtedness. Such subsidiary corporation and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the port authority and of the port authority's property, functions and activities. Such subsidiary corporation shall be subject to the restrictions and limitations to which the port authority may be subject, including, but not limited to the requirement that no action taken at any meeting of the board of directors of such subsidiary corporation shall have force or effect until the governors of the two states shall have an opportunity, in the same manner and within the same time as now or hereafter provided by law for approval or veto of actions taken at any meeting of the port authority itself, to approve or veto such action. Such subsidiary corporation shall be subject to suit in accordance with section nine of this act and chapter three hundred one of the laws of New York of nineteen hundred fifty and chapter two hundred four of the laws of New Jersey of nineteen hundred fifty-one as if such subsidiary corporation were the port authority itself. Such subsidiary corporation may be a participating employer under the New York retirement and social security law or any similar law of either state and the employees of any such subsidiary corporation, except those who are also employees of the port authority, shall not be deemed employees of the port authority.

Certificate of incorporation.

Directors.

Powers.

Suit.

"Whenever any state, municipality, commission, public authority, agency, officer, department, board or division is authorized and empowered for any of the purposes of this act to co-operate and enter into agreements with the port authority or to grant any consent to the port authority or to grant, convey, lease or otherwise transfer any property to the port authority or to execute any document, such state, municipality, commission, public authority, agency, officer, department, board or division shall have the same authorization and power for any of such purposes to co-operate and enter into agreements with such subsidiary corporation and to grant consents to such subsidiary corporation and to grant, convey, lease or otherwise transfer property to such subsidiary corporation and to execute documents for such subsidiary corporation.

Cooperative agreements.

"§ 13. The bonds issued by the port authority to provide funds for any of the purposes of this act are hereby made securities in which all

Bonds.

state and municipal officers and bodies of both states, all trust companies and banks other than savings banks, all building and loan associations, savings and loan associations, investment companies and other persons carrying on a commercial banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever (other than savings banks), who are now or may hereafter be authorized by either state to invest in bonds of such state, may properly and legally invest any funds, including capital, belonging to them or within their control, and said bonds are hereby made securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency of either state for any purpose for which the deposit of bonds of such state is now or may hereafter be authorized. The bonds issued by the port authority to provide funds for any of the purposes of this act as security for which the general reserve fund shall have been pledged in whole or in part are hereby made securities in which all savings banks also may properly and legally invest any funds including capital, belonging to them or within their control.

Acquisition of property.

"§ 14. Subsequent to and subject to the execution of the agreement or agreements authorized by sections eleven and twelve hereof for the projects and facilities and at the locations specified therein, if the port authority shall find it necessary, convenient or desirable to acquire from time to time any real property or any property other than real property (including but not limited to contract rights and other tangible or intangible personal property), for any of the purposes of this act whether for immediate or future use (including temporary construction, rehabilitation or improvement), the port authority may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for a public use, and upon such determination the said property shall be and shall be deemed to be required for such public use until otherwise determined by the port authority, and such determination shall not be affected by the fact that such property has theretofore been taken for and is then devoted to a public use; but the public use in the hands of or under the control of the port authority shall be deemed superior to the public use in the hands of any other person, association or corporation.

"The port authority may acquire and is hereby authorized so to acquire from time to time, for any of the purposes of this act, such property, whether a fee simple absolute or a lesser estate, by condemnation (including the exercise of the right of eminent domain) under and pursuant to the provisions of the eminent domain procedure law of the state of New York in the case of property located in or having its situs in such state, and chapter three hundred sixty-one of the laws of New Jersey of nineteen hundred seventy-one, in the case of property located in or having its situs in such state, or, at the option of the port authority, as provided in section fifteen of chapter forty-three of the laws of New Jersey of nineteen hundred forty-seven, as amended, in the case of property located in or having its situs in such state, or pursuant to such other and alternate procedure as may be provided by law of the state in which such property is located or has its situs; and all of said statutes for the acquisition of real property shall, for any of the purposes of this act, be applied also to the acquisition of other property authorized by this section, except that such provisions as pertain to surveys, diagrams, maps, plans or profiles, assessed valuation, lis pendens, service of notice and papers, filing in the office of the clerk in which the real property affected is situated and such other provisions as by their nature cannot be applicable to property other than real property, shall not be applicable to the acquisition of such other property. In the event that any property other than real property is acquired for any of the purposes of this act under this section then, with respect to such other property, notice of such proceeding and all subsequent notices or court processes shall be served upon the owners of such other property and upon the port authority by personal service or by registered or certified mail, except as may be otherwise directed by the court.

"The port authority is hereby authorized and empowered, in its discretion, from time to time to combine any property which is to be acquired as aforesaid by condemnation for any of the purposes of this act for acquisition in a single action or proceeding notwithstanding that part of the property so to be acquired is personal property or mixed real and personal property or may be owned by more than one owner.

Compensation of owner.

"The owner of any property acquired by condemnation or the exercise of the right of eminent domain for any of the purposes of this act shall not be awarded for such property any increment above the just compensation required by the constitutions of the United States and of the state or states in which the property is located or has its situs by reason of any circumstances whatsoever.

"Nothing herein contained shall be construed to prevent the port authority from bringing any proceedings to remove a cloud on title or such other proceedings as it may, in its discretion, deem proper and necessary, or from acquiring any such property by negotiation or purchase.

"Where a person entitled to an award in the proceedings for the acquisition of property by condemnation or the right of eminent domain for any of the purposes of this act remains in possession of such property after the time of the vesting of title in the port authority, the reasonable value of this use and occupancy of such property subsequent to such time, as fixed by agreement or by the court in such proceedings or by any court of competent jurisdiction, shall be a lien against such award, subject only to liens of record at the time of the vesting of title in the port authority.

Surveys.

"§ 15. The port authority and its duly authorized agents, and all persons acting under its authority and by its direction, may enter in the daytime into and upon any real property for the purpose of making such surveys, diagrams, maps, plans, soundings or borings as the port authority may deem necessary, convenient or desirable for any of the purposes of this act.

Other port authority facilities, property, and operations.

"§ 16. Any declarations contained herein with respect to the governmental nature and public purpose of any industrial development project or facility and to the exemption of any industrial development project or facility property and instruments relating thereto from taxation and to the discretion of the port authority with respect to said projects or facilities shall not be construed to imply that other port authority facilities, property and operations are not of a governmental nature or do not serve public purposes, or that they are subject to taxation, or that the determinations of the port authority with respect thereto are not conclusive. The powers hereby vested in the port authority and in any subsidiary corporation incorporated for any of the purposes of this act (including but not limited to the power to acquire real property by condemnation or the exercise of the right of eminent domain) shall be continuing powers and no exercise thereof by the port authority or a subsidiary corporation incorporated for any of the purposes of this act shall be deemed to exhaust them or any of them.

"§ 17. This section and the preceding sections hereof constitute an agreement between the states of New York and New Jersey supplementary to the compact between the two states dated April thirtieth, nineteen hundred twenty-one and amendatory thereof, and shall be liberally construed to effectuate the purposes of said compact and of the comprehensive plan heretofore adopted by the two states, and the powers granted to the port authority shall be construed to be in aid of and not in limitation or in derogation of any other powers, heretofore conferred upon or granted to the port authority.".

SEC. 2. Nothing contained in said agreement or compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved December 28, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-507 (Comm. on the Judiciary).
SENATE REPORT No. 96-427 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Oct. 23, considered and passed House.
  Dec. 6, considered and passed Senate, amended.
  Dec. 10, House disagreed to Senate amendment.
  Dec. 14, Senate receded from its amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 52:
  Dec. 31, Presidential statement.

Public Law 96-164
96th Congress

An Act

To authorize appropriations for the Department of Energy for national security programs for fiscal year 1980, and for other purposes.

Dec. 29, 1979
[S. 673]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980".

Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980.

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1980 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy) as follows:

(1) For the defense inertial confinement fusion program, a total of $125,090,000, allocated as follows:

(A) For glass laser experiments, $44,200,000.

(B) For gas laser experiments, $29,300,000.

(C) For electron and particle beam experiments, $12,200,000.

(D) For supporting research and experiments, $38,300,000.

(E) For personnel, $1,090,000.

(2) For the naval reactor development program, a total of $241,367,000, allocated as follows:

(A) For the naval reactor development program, $232,600,000.

(B) For personnel, $8,767,000.

(3) For weapons activities, a total of $1,455,241,000, allocated as follows:

(A) For research and development, $421,143,000.

(B) For weapons testing, $236,000,000.

(C) For production and surveillance, $761,000,000.

(D) For personnel, $37,098,000.

(4) For verification and control technology (including personnel), $36,800,000.

(5) For materials production, to be administered by the Assistant Secretary for Defense Programs, a total of $357,748,000, allocated as follows:

(A) For production reactor expenses, $180,300,000.

(B) For the processing of nuclear materials, $82,400,000.

(C) For supporting services, $67,714,000, of which $15,000,000 shall be used for the fiscal year 1980 increment of startup costs for the Purex chemical processing plant at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, $21,390,000.

(E) For advanced isotope separation research, $5,000,000.

(F) For personnel, $944,000.

(6) For defense waste management (including $1,691,000 for personnel), $215,991,000.

(7) For the nuclear materials security and safeguards technology development program (defense program), including $3,560,000 for personnel, $43,227,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1980 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For inertial confinement fusion:

Project 80-PE&D-1, plant engineering and design, $3,500,000.

(2) For naval reactors development:

Project 80-AE-1, fluids and corrosion test facilities upgrading, various locations, $17,900,000.

Project 80-GPP-1, general plant projects, $3,300,000.

(3) For weapons activities:

Project 80-AE-4, addition to computer facility, Sandia Laboratories, Livermore, California, $2,800,000.

Project 80-AE-5, ground launched cruise missile (GLCM) warhead production facilities, various locations, $4,000,000.

Project 80-AE-6, utilities and equipment restoration, replacement and upgrade, various locations, $39,400,000.

Project 80-AE-8, advanced size reduction facility, Rocky Flats Plant, Golden, Colorado, $10,000,000.

Project 80-AE-9, new polymer production facility, Bendix Plant, Kansas City, Missouri, $1,400,000.

Project 80-AE-10, additional loading facilities, Savannah River Plant, Aiken, South Carolina, $3,500,000.

Project 80-AE-11, Pershing II warhead production facilities, various locations, $5,000,000.

Project 80-GPP-1, general plant projects, $25,400,000.

Project 80-PE&D-1, plant engineering and design, $3,600,000.

Project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, an additional sum of $7,000,000, for a total project authorization of $287,000,000.

Project 77-11-c, 8" Artillery Fired Atomic Projectile (AFAP) production facilities, various locations, an additional sum of $4,600,000, for a total project authorization of $27,200,000.

Project 78-16-d, weapons safeguards, various locations, an additional sum of $2,000,000, for a total project authorization of $28,000,000.

Project 78-16-g, radioactive liquid waste improvement, Los Alamos Scientific Laboratory, New Mexico, an additional sum of $6,200,000, for a total project authorization of $12,500,000.

Project 78-18-d, Steam plant improvements, Y-12 plant, Oak Ridge, Tennessee, an additional sum of $15,500,000, for a total project authorization of $25,500,000.

Project 79-7-b, fire protection improvements, Los Alamos Scientific Laboratory, New Mexico, an additional sum of $2,500,000, for a total project authorization of $4,500,000.

Project 79-7-c, proton storage ring, Los Alamos Scientific Laboratory, New Mexico, an additional sum of $14,000,000, for a total project authorization of $19,000,000.

Project 79-7-l, system research and development laboratory, Sandia Laboratories, Albuquerque, New Mexico, an additional sum of $12,000,000, for a total project authorization of $13,000,000.

Project 79-7-n, utility system restoration, Y-12 plant, Oak Ridge, Tennessee, an additional sum of $15,800,000, for a total project authorization of $18,000,000.

Project 79-7-o, universal pilot plant, Pantex Plant, Amarillo, Texas, an additional sum of $3,900,000, for a total project authorization of $7,400,000.

(4) For materials production:

Project 80-AE-2, replace obsolete processing facilities, HB Line, Savannah River, South Carolina, $19,000,000.

Project 80-AE-3, steam generation facilities, Idaho Chemical Processing Plant, Idaho, $23,500,000.

Project 80-GPP-1, general plant projects, $15,000,000.

Project 80-PE&D-1, plant engineering and design, $3,400,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of $50,400,000, for a total project authorization of $115,400,000.

Project 78-18-e, environmental, safety and security improvements to waste management and materials processing facilities, Richland, Washington, an additional sum of $11,500,000, for a total project authorization of $40,000,000.

Project 79-7-i, transmission and distribution systems upgrading, Richland, Washington, an additional sum of $7,000,000, for a total project authorization of $14,000,000.

(5) For defense waste management:

Project 80-GPP-1, general plant projects, $8,880,000.

Project 80-PE&D-1, plant engineering and design, $8,000,000, of which $3,000,000 shall be available only for plant engineering and design at the Savannah River Plant, Aiken, South Carolina.

Project 77-13-f, Waste Isolation Pilot Plant, Delaware Basin, southeast New Mexico (A-E, land lease acquisition and long-lead procurement), an additional sum of $22,000,000, for a total project authorization of $90,000,000.

Project 75-1-c, new Waste Calcining Facility, Idaho Falls, Idaho, an additional sum of $25,000,000, for a total project authorization of $90,000,000.

(6) For capital equipment not related to construction—

(A) for inertial confinement fusion, $10,100,000;

(B) for naval reactors development, $15,800,000;

(C) for weapons activities, $104,164,000;

(D) for verification and control technology, $1,060,000;

(E) for materials production, $35,000,000;

(F) for defense waste management, $12,000,000; and

(G) for nuclear materials security and safeguards, $3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMMING

SEC. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary is authorized to carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of such construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of such project is revised due to unforeseen cost variations and the revised cost of such project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of any construction project which is authorized by section 102 of this Act, or which is in support of the national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent (1) the amount authorized for such project, or (2) the amount of the total estimated cost for such project as shown in the most recent budget justification data submitted to Congress, such project may not be started or additional obligations incurred in connection with such project, as the case may be, unless a period of 30 days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or unless each such committee before the expiration of such period has notified the Secretary that such committee has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 204. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

FUND TRANSFER AUTHORITY

SEC. 205. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which such funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which such funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 206. (a) (1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

(c) This section shall apply only with respect to design for construction projects begun after October 1, 1980.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 207. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform such planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that such design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating expenses" or for "Plant and capital equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

42 USC 7272.

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

42 USC 7273.

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

MANAGEMENT OF NATIONAL WEAPONS LABORATORIES

SEC. 212. (a) It is the sense of Congress that—

(1) the nuclear weapons laboratories (the Los Alamos Scientific Laboratory, Los Alamos, New Mexico, the Lawrence Livermore Laboratory, Livermore, California, and the Sandia Laboratories, Albuquerque, New Mexico, and Livermore, California) are unique national assets which must retain their primary defense focus and strive to sustain this Nation's world pre-eminence in the area of nuclear systems technology;

(2) the long-standing contractual arrangements between the Federal Government and the University of California for the administration of the Los Alamos Scientific Laboratory and the Lawrence Livermore Laboratory have served the Nation well and should continue as long as the national interest is being served; and

(3) the recent efforts by some individuals within the University of California system to influence the roles and missions of the Lawrence Livermore Laboratory and the Los Alamos Laboratory have been disruptive and may prove to be counterproductive to the national interest.

(b) As soon as practicable, but not later than February 1, 1980, the Secretary shall submit to the Congress a plan for the termination of the performance of work of the Department of Energy at the Ernest Orlando Lawrence Livermore Laboratory and at the Los Alamos Scientific Laboratory under contracts numbered W-7405-ENG-36 and W-7405-ENG-48 between the United States and the Regents of the University of California (a corporation of the State of California). Such plan shall include provisions to assure that such a termination of work would be conducted in accordance with the terms of such contracts.

(c) The Secretary shall study the types of contracts that would best provide for the continued performance of the work performed under the contracts referred to in subsection (b). The Secretary shall include in any contract proposed to replace such contracts terms to assure that—

(1) the paramount objectives and missions of such laboratories continue to be in the field of national security;

(2) the transition from management of such laboratories by the University of California to management by any new contractor would be orderly, involve a minimum of uncertainty, and provide employee rights and benefits (including rights and benefits with respect to pensions and retirement) reasonably comparable to those currently provided employees of the laboratories by the Regents of the University of California; and

(3) any new contractor may retain as many of the current management officials and employees of the laboratories as may be consistent with maintaining and fostering excellence in carrying out the functions assigned to the laboratories.

(d)(1) The Los Alamos Scientific Laboratory at Los Alamos, New Mexico, shall after the date of the enactment of this Act be known and designated as the "Los Alamos National Scientific Laboratory". Any reference in any law, map, regulation, document, record, or other paper of the United States to the Los Alamos Scientific Laboratory shall after such date be considered to be a reference to the Los Alamos National Scientific Laboratory.

(2) The Ernest Orlando Lawrence Livermore Laboratory at Livermore, California, shall after the date of the enactment of this Act be known and designated as the "Ernest Orlando Lawrence Livermore National Laboratory". Any reference in any law, map, regulation, document, record, or other paper of the United States to the Ernest Orlando Lawrence Livermore Laboratory shall after such date be considered to be a reference to the Ernest Orlando Lawrence Livermore National Laboratory.

(3) The Sandia Laboratories at Albuquerque, New Mexico, and Livermore, California, shall after the date of the enactment of this Act be known and designated as the "Sandia National Laboratories". Any reference in any law, map, regulation, document, record, or other paper of the United States to the Sandia Laboratories shall after such date be considered to be a reference to the Sandia National Laboratories.

WASTE ISOLATION PILOT PLANT, DELAWARE BASIN, NEW MEXICO

SEC. 213. (a) The Secretary of Energy shall proceed with the Waste Isolation Pilot Plant construction project authorized to be carried out in the Delaware Basin of southeast New Mexico (project 77-13-f) in accordance with the authorization for such project as modified by this section. Notwithstanding any other provision of law, the Waste Isolation Pilot Plant is authorized as a defense activity of the Department of Energy, administered by the Assistant Secretary of Energy for Defense Programs, for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States exempted from regulation by the Nuclear Regulatory Commission.

Consultation and cooperation.

(b)(1) In carrying out such project, the Secretary shall consult and cooperate with the appropriate officials of the State of New Mexico, with respect to the public health and safety concerns of such State in regard to such project and shall, consistent with the purposes of subsection (a), give consideration to such concerns and cooperate with such officials in resolving such concerns. The consultation and cooperation required by this paragraph shall be carried out as provided in paragraph (2).

Written agreement.

(2) The Secretary shall seek to enter into a written agreement with the appropriate officials of the State of New Mexico, as provided by the laws of the State of New Mexico, not later than September 30, 1980, setting forth the procedures under which the consultation and cooperation required by paragraph (1) shall be carried out. Such procedures shall include as a minimum—

(A) the right of the State of New Mexico to comment on, and make recommendations with regard to, the public health and safety aspects of such project before the occurrence of certain key events identified in the agreement;

(B) procedures, including specific time frames, for the Secretary to receive, consider, resolve, and act upon comments and recommendations made by the State of New Mexico; and

(C) procedures for the Secretary and the appropriate officials of the State of New Mexico to periodically review, amend, or modify the agreement.

Submittal to congressional committees.

(3) As soon as practicable after the date on which the agreement referred to in paragraph (2) is entered into by the Secretary and the appropriate officials of the State of New Mexico, but not more than 15 days after such date, the Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives copies of such agreement, and a period of 45 days shall elapse while Congress is in session before such agreement becomes effective unless the Committees on Armed Services of the Senate and the House of Representatives, in writing, waive any portion of such 45-day period. The Secretary shall promptly notify such committees of any amendment or modification made to such agreement under paragraph (2)(C).

(c) No law enacted after the date of the enactment of this Act shall be held, considered, or construed as amending, superseding, or otherwise modifying any provision of this section unless such law does so by specifically and explicitly amending, repealing, or superseding this section.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-162 accompanying H.R. 2603 (Comm. on Armed Services) and No. 96-702 (Comm. of Conference.)
SENATE REPORT No. 96-193 (Comm. on Armed Services and Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
June 18, considered and passed Senate.
Nov. 9, H.R. 2603 considered and passed House; passage vacated and S. 673, amended, passed in lieu.
Dec. 18, Senate agreed to conference report.
Dec. 19, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 52:
Dec. 31, Presidential statement.

Public Law 96-165
96th Congress

An Act

To incorporate United Service Organizations, Incorporated.

Dec. 29, 1979
[H.R. 600]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit:

United Service Organizations, incorporation.
36 USC 1301.

Colonel Paul Akst, United States Air Force (retired), New York, New York;
Robert C. Andrews, Nashville, Tennessee;
Mary Louise Austin, Atlanta, Georgia;
Alden G. Barber, Menlo Park, California;
James E. Barrett, Washington, District of Columbia;
Alfred D. Bell, Junior, Burlingame, California;
Mrs. Andrew J. Bennett, Junior, Baton Rouge, Louisiana;
Rocky Bleier, Pittsburgh, Pennsylvania;
Frank J. Brennan, Fort Washington, Pennsylvania;
N. Brewster Broder, Southfield, Michigan;
Mrs. Edward G. Brown, Millbrook, New York;
Mrs. Joseph O. Butcher, Bloomington, Indiana;
Marvin E. Cardoza, San Francisco, California;
Zebedee C. Chaney, Junior, New York, New York;
Louis J. Cohen, Newark, New Jersey;
John B. Coleman, Chicago, Illinois;
Gilbert Colgate, Junior, New York, New York;
Robert K. Corn, Papillion, Nebraska;
Kathryn Grant Crosby, Beverly Hills, California;
Edward J. Daly, Oakland, California;
Richard J. Davis, Junior, Arlington, Virginia;
General Michael S. Davison, United States Army (retired), Washington, District of Columbia;
Colonel Peter Dawkins, United States Army, Fort Campbell, Kentucky;
John W. Dixon, Dallas, Texas;
Mikki Ehrenfeld, Lincoln, Massachusetts;
E. Stanley Enlund, Chicago, Illinois;
Kimball C. Firestone, Potomac, Maryland;
Mrs. Maxine Flournoy, Alice, Texas;
Robert G. Geib, New York, New York;
Rear Admiral Lawrence R. Geis, United States Navy (retired), Jacksonville, Florida;
Jacob Goodstein, New York, New York;
Theodore J. Hagans, Junior, Washington, District of Columbia;
Mrs. Henry E. Harriman, Junior, San Diego, California;
John Halliburton, Kerrville, Texas;
Ronald E. Herington, New Bedford, Massachusetts;
Mrs. Margaret Howard Ismaila, Cleveland, Ohio;
Eugene Jelesnik, Salt Lake City, Utah;
Major General Orris E. Kelly, United States Army, Washington, District of Columbia;
Robert P. Kelsey, Junior, Boston, Massachusetts;
Donald R. Keough, Atlanta, Georgia;
Ralph B. Kohnen, Junior, Cincinnati, Ohio;

James J. Lazarus, Kearny, New Jersey;
Honorable John Davis Lodge, Westport, Connecticut;
Honorable Al G. Loehr, Saint Cloud, Minnesota;
Morgan Maxfield, North Kansas City, Missouri;
Mrs. Andrew M. McBurney, New York, New York;
Fred M. McCahey, Winnetka, Illinois;
Brigadier General Martin Menter, United States Air Force (retired), Chevy Chase, Maryland;
Ms. Mary Wells Milam, Miami, Florida;
Nick J. Mileti, Gates Mills, Ohio;
Donald L. Miller, New York, New York;
Doctor Ron Miller, Brooklyn, New York;
Fred Much, Houston, Texas;
Doctor Frank L. Myers, Avenel, New Jersey;
Chief Commissaryman Robert A. Nolan, United States Navy (retired), Washington, District of Columbia;
Leo Perlis, Washington, District of Columbia;
Robert B. Pirie, Washington, District of Columbia;
Joseph Robbie, Miami, Florida;
Vincent J. Romeo, Flat Rock, North Carolina;
Lieutenant Colonel James H. Ryan, United States Army (retired), Mount Rainier, Maryland;
Theodore R. Serrill, Edgewater, Maryland;
Mrs. Charles H. Sethness, Junior, Chicago, Illinois;
Joseph H. Singer, Somerville, New Jersey;
Colonel C. Haskell Small, United States Army (retired), Washington, District of Columbia;
Robert A. Staub, New York, New York;
Dorothy C. Stephens, Washington, District of Columbia;
Warren Titus, Boston, Massachusetts;
Martin Tucker, New York, New York;
Mrs. Pearl Scott Tyler, Boston, Massachusetts;
Mrs. Audrey Ullman, Arlington, Virginia;
Mrs. Paula Unruh, Tulsa, Oklahoma;
Jeff Wald, Beverly Hills, California;
Doctor Seymour S. Weisman, Norwalk, Connecticut;
William G. Whyte, Washington, District of Columbia;
Clifford R. Williams, Milwaukee, Wisconsin;
Julius E. Williams, New York, New York;
Michael Collins, Washington, District of Columbia;

and their successors are hereby created and declared to be a body corporate having the name United Service Organizations, Incorporated (hereinafter the "corporation"). The said corporation shall have perpetual existence and the powers, limitations, and restrictions herein contained.

36 USC 1302.

SEC. 2. OBJECTS AND PURPOSES OF THE CORPORATION.—The objects and purposes of the corporation are to provide a voluntary civilian agency through which the people of this Nation may, in peace or war, serve the religious, spiritual, social, welfare, educational, and entertainment needs of the men and women in the Armed Forces within or without the territorial limits of the United States, and in general, to contribute to the maintenance of morale of such men and women; to solicit funds for the maintenance of the organization and the accomplishment of its responsibility; to accept the cooperation of and to provide an organization and a means through which the National Board of Young Men's Christian Associations, National Board of Young Women's Christian Associations, National Catholic Community Service, the Salvation Army, the National Jewish Welfare

Board, the Travelers Aid-International Social Service of America, and other civilian agencies experienced in specialized types of related work, which may be needed adequately to meet particular needs of the members of the Armed Forces, may carry on their historic work of serving the spiritual, religious, social, welfare, educational, and entertainment needs of such men and women and be afforded an appropriate means of participation and financial assistance; to coordinate their programs, and to accept the cooperation of individual citizens in accomplishing its purposes. The corporation shall have such other objects and purposes as are consonant with the above.

SEC. 3. CORPORATE POWERS.—The corporation shall have all the powers necessary and proper to accomplish the objects and purposes set forth in section 2. Without limiting the generality of the foregoing, the corporation shall have the following specific powers: 36 USC 1303.

(a) To enact and amend bylaws, rules, and regulations for its internal governance and management, not inconsistent with this Act or other provisions of law.

(b) To establish, regulate, and terminate State, regional, local, and overseas councils, organizations, chapters, or affiliates in such manner and by such rules as it deems appropriate so as to enable it to carry out its powers and accomplish the objects and purposes set forth in section 2.

(c) To solicit and raise funds for the accomplishment of its purposes, and to accept gifts, legacies, devises, and support in furtherance thereof.

(d) To acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes; to sell, mortgage, or lease any of its real property if authorized by its board of governors.

(e) To make and enter into contracts.

(f) To borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject in every case to all applicable provisions of Federal and State law.

(g) To adopt and alter a corporate seal, emblems, and marks.

(h) To choose such officers, representatives, and agents as may be necessary to carry out the corporate purposes.

(i) To establish and maintain offices for the conduct of the affairs of the corporation.

(j) To publish a newspaper, magazine, or other publications.

(k) To sue and be sued in any court.

(l) To do any and all acts and things necessary and proper to accomplish the foregoing specifically enumerated purposes.

SEC. 4. RESTRICTIONS ON CORPORATE POWERS.—(a) The corporation shall be nonpolitical and, as an organization, shall not furnish financial aid or assistance to, or otherwise promote the candidacy of, any person seeking elective public office. No substantial part of the activities of the corporation shall involve carrying on propaganda, or otherwise attempting to influence legislation. 36 USC 1304.

(b) The corporation shall have no power to issue any shares of capital stock, or to declare or pay any dividends. It shall also have no power to engage in any business activity for pecuniary profit unless the activity is substantially related to the carrying out of its objects and purposes, as set forth in section 2, or the raising of funds for the accomplishment of said purposes.

(c) The property of the corporation is irrevocably dedicated to charitable purposes. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, its remaining assets, if any, shall be distributed in accordance with the determination of its board of governors, in compliance with its bylaws and all Federal and State laws applicable thereto: *Provided, however,* That its property shall not, in any event, inure to the benefit of any private person except a fund, foundation, association, or corporation operated exclusively for charitable purposes.

(d) No part of the income or assets of the corporation shall inure to any member, governor, officer, or employee of the corporation or be distributable to any person during the life of the corporation or upon its dissolution or liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation for services rendered to officers and employees of the corporation and other persons, or to prevent their reimbursement for actual necessary expenses in amounts approved by the corporation's board of governors.

(e) The corporation shall not make loans to its members, officers, governors, or employees.

36 USC 1305.

SEC. 5. GOVERNANCE OF THE CORPORATION.

(a) MEMBERS OF THE CORPORATION.—The persons listed in section 1 are the present members of United Service Organizations, Incorporated, a corporation organized under the Not-for-Profit Corporation Law of the State of New York (hereinafter "the New York Corporation"). Upon the enactment of this charter, and for not more than one year thereafter, the said persons shall be the members of the corporation hereunder. They shall adopt bylaws and perform all other acts necessary to complete the organization of the corporation. Thereafter, the members of the corporation shall consist of nine persons designated by the President of the United States, and such representatives of the organizations listed in section 2 of this Act and of the public at large as shall be specified in the bylaws. The rights, privileges, and designations of the classes of members shall also be as specified in the bylaws.

(b) BOARD OF GOVERNORS.—The management of the corporation shall be entrusted to a board of governors, which shall be responsible for the general policies and program of the corporation and for the control of its affairs and property. Upon the enactment of this charter and for not more than one year thereafter, the membership of the initial board of governors of the corporation created hereunder shall consist of the present members of the board of governors of the New York corporation. Thereafter, the board of governors shall be elected by the members of the corporation for such terms and in such classes as shall be specified in the bylaws, and shall include the following persons:

(1) Six members appointed by the President of the United States.

(2) The Secretary of Defense, or his designee.

(3) Such representatives of the organizations listed in section 2 of this Act and of the public at large as shall be specified in the bylaws.

(c) OTHER GOVERNING BODIES.—The corporation shall have such other governing bodies and committees as may be provided for in its bylaws.

(d) OFFICERS.—The office of honorary chairman of the corporation shall be tendered to the President of the United States. Upon acceptance of such office, the honorary chairman shall be invited to preside at such meetings of the corporation as he may deem appropriate and convenient. The corporation shall have such other officers as may be designated in its bylaws.

36 USC 1306.

Sec. 6. State of Incorporation.—Upon the enactment of this charter, the corporation shall acquire the assets and assume the liabilities of the New York corporation. The United Service Organizations, Incorporated, shall retain and maintain its existing status as a corporation incorporated under the laws of the State of New York, another State, or the District of Columbia.

36 USC 1307.

Sec. 7. Use of Names "United Service Organizations, Incorporated" and "USO".—The corporation, its regional, State, and local councils, organizations, chapters, and affiliates shall have the sole and exclusive right to use the names "United Service Organizations, Incorporated" and "USO" and such distinctive insignia, emblems, and badges as the corporation may lawfully adopt in carrying out its purposes.

36 USC 1308.

Sec. 8. Assistance by Government Agencies.—The Department of Defense may make its resources available to the USO, to the extent compatible with the primary mission of the Department of Defense and in accordance with guidelines promulgated by the Secretary of Defense, in order to facilitate the accomplishment of the USO mission.

Principal office, location.
36 USC 1309.

Sec. 9. Miscellaneous Provisions.—(a) The principal office of the corporation shall be located in New York, New York, or in such other place as may be later determined by the board of governors, but the activities of the corporation shall not be confined to that place. The said activities may be conducted throughout the various States, territories, and possessions of the United States, and in foreign countries.

Designated agent in District of Columbia.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

Local authorized agents.

(c) The corporation shall file in the office of the secretary of each State, territory, or possession of the United States in which the corporation or its local, State, or regional councils, organizations, chapters, or affiliates may have activities, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served.

Books and records.
Minutes of proceedings.

(d) The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, and of its board of governors, or any committee having any of the authority of the board of governors; and shall keep at its principal office a record giving the names and addresses of its members entitled to vote; and shall permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any purpose at any reasonable time.

Annual report.

(e) The corporation shall make public an annual report concerning its proceedings and activities for the preceding calendar year.

(f) The provisions of sections 1102 and 1103 of title 36 of the United States Code shall apply with respect to the corporation.

36 USC 1101.

(g) Section 1 of Public Law 88-504 (78 Stat. 635; 63 U.S.C. 1101) is amended by adding a new item 50 as follows:

"(50) United Service Organizations.".

(h) The right to alter, amend, or repeal this Act is hereby expressly reserved to the Congress.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-505 (Comm. on the Judiciary).
SENATE REPORTS: No. 96-545 accompanying S. 2113 and No. 96-546 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 15, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 96-166
96th Congress

An Act

To amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

Dec. 29, 1979
[H.R. 5015]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Physicians Comparability Allowance Amendments of 1979".

Federal Physicians Comparability Allowance Amendments of 1979.
5 USC 5948 note.

Sec. 2. Section 5948 of title 5, United States Code, is amended—

(1) in subsection (d) by—

(A) striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1981"; and

(B) striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1983";

(2) in subsection (g)(1) by—

(A) inserting immediately after "physician" the words "or dentist";

(B) redesignating subparagraphs (B) through (G) as subparagraphs (D) through (I), respectively;

(C) inserting after subparagraph (A) the following:

"(B) subchapter VIII of chapter 53 of this title, relating to the Senior Executive Service; 5 USC 5381.

"(C) chapter 54 of this title, relating to the Merit Pay System;"; 5 USC 5401 *et seq.*

(D) amending subparagraph (D) (as redesignated by this section) by striking out "5361" and inserting in lieu thereof "5371"; and

(E) amending subparagraph (H) (as redesignated by this section) to read as follows:

"(H) section 1202 of the Panama Canal Act of 1979, relating to the Panama Canal Commission; or"; *Ante*, p. 461.

(3) in subsection (g)(2) by striking out the comma after the word "title" and inserting in lieu thereof ", the Library of Congress,".

Sec. 3. Section 5383(b) of title 5, United States Code, is amended by striking out "and 5384" and inserting in lieu thereof "5384, and 5948".

Sec. 4. Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (Public Law 95-603; 92 Stat. 3018) is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1983". 5 USC 5948 note.

Sec. 5. Any service agreement entered into on or after the date of the enactment of this Act pursuant to section 5948 of title 5, United States Code, as amended by section 2 of this Act, shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. 5 USC 5948 note.

Sec. 6. The amendments made by this Act shall not be construed to authorize additional or supplemental appropriations for the fiscal year ending September 30, 1980.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-683 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 10, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 96-167
96th Congress

An Act

To continue through May 31, 1981, the existing prohibition on the issuance of fringe benefit regulations, and for other purposes.

Dec. 29, 1979
[H.R. 5224]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fringe benefit regulations, prohibition.

SECTION 1. PROHIBITION OF ISSUANCE OF FRINGE BENEFIT REGULATIONS.

Section 1 of the Act entitled "An Act to prohibit the issuance of regulations on the taxation of fringe benefits, and for other purposes", approved October 7, 1978 (Public Law 95-427), is amended by striking out "December 31, 1979" each place it appears and inserting in lieu thereof "May 31, 1981". 26 USC 61 note.

SEC. 2. COMMUTING EXPENSES.

Section 2 of the Act entitled "An Act to prohibit the issuance of regulations on the taxation of fringe benefits, and for other purposes", approved October 7, 1978 (Public Law 95-427), is amended by striking out "December 31, 1979" and inserting in lieu thereof "May 31, 1981". 26 USC 62 note.

SEC. 3. STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.

(a) General Rule.—Subsection (a) of section 604 of the Tax Reform Act of 1976 (relating to State legislators' travel expenses away from home) is amended— 26 USC 162 note.

(1) by striking out "who elects the application" and inserting in lieu thereof "who, for the taxable year, elects the application", and

(2) by striking out "January 1, 1978" and inserting in lieu thereof "January 1, 1981".

(b) Technical Amendment.—Effective for taxable years beginning after December 31, 1977, subsection (d) of section 604 of the Tax Reform Act of 1976 is amended by striking out the last sentence.

SEC. 4. PAYMENT OF INTEREST WHERE LEVY HAS BEEN WRONGFULLY MADE AND MONEY RECEIVED BY UNITED STATES.

(a) In General.—Section 6343 of the Internal Revenue Code of 1954 (relating to release of levy and return of property) is amended by adding at the end thereof the following new subsection: 26 USC 6343.

"(c) Interest.—Interest shall be allowed and paid at an annual rate established under section 6621— 26 USC 6621.

"(1) in a case described in subsection (b)(2), from the date the Secretary receives the money to a date (to be determined by the Secretary) preceding the date of return by not more than 30 days, or

"(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Secretary) preceding the date of return by not more than 30 days."

(b) Technical Amendment.—Subsection (a) of section 6621 of such Code is amended to read as follows:

"(a) In General.—The annual rate established under this section shall be such adjusted rate as is established by the Secretary under subsection (b)."

(c) Effective Dates.—

26 USC 6343 note.

(1) The amendment made by subsection (a) shall apply to levies made after the date of the enactment of this Act.

26 USC 6621 note.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 5. REPEAL OF REQUIREMENT THAT TRANSFERORS OF CERTAIN PROPERTY TO EXEMPT ORGANIZATIONS MUST FILE RETURNS.

26 USC 6050.

(a) General Rule.—Section 6050 of the Internal Revenue Code of 1954 (relating to returns relating to certain transfers to exempt organizations) is hereby repealed.

26 USC 6041.

(b) Clerical Amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking out the item relating to section 6050.

26 USC 6050 note.

(c) Effective Date.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 6. REPEAL OF ADDITION TO TAX IN CASE OF JEOPARDY.

26 USC 6658.

(a) General Rule.—Section 6658 of the Internal Revenue Code of 1954 (relating to addition to tax in case of jeopardy) is hereby repealed.

26 USC 6651.

(b) Clerical Amendment.—The table of sections for subchapter A of chapter 68 of such Code is amended by striking out the item relating to section 6658.

Effective date.
26 USC 6658 note.

(c) Effective Date.—The amendments made by this section shall apply to violations (or attempted violations) occuring after the date of the enactment of this Act.

SEC. 7. REPEAL OF REQUIREMENTS THAT INFORMATION BE FURNISHED TO THE SERVICE IN CONNECTION WITH CERTAIN OPTIONS.

26 USC 6039.

(a) General Rule.—Section 6039 of the Internal Revenue Code of 1954 (relating to information required in connection with certain options) is amended to read as follows:

"SEC. 6039. INFORMATION REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

Regulations.

"(a) Furnishing of Information.—Every corporation—

"(1) which in any calendar year transfers a share of stock to any person pursuant to such person's exercise of a qualified stock option or a restricted stock option, or

"(2) which in any calendar year records (or has by its agent recorded) a transfer of the legal title of a share of stock—

26 USC 423.

"(A) acquired by the transfer or pursuant to his exercise of an option described in section 423(c) (relating to special rule where option price is between 85 percent and 100 percent of value of stock), or

26 USC 424.

"(B) acquired by the transferor pursuant to his exercise of a restricted stock option described in section 424(c)(1) (relating to options under which option price is between 85 percent and 95 percent of value of stock),

shall (on or before January 31 of the following calendar year) furnish to such person a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe.

"(b) Special Rules.—For purposes of this section—

"(1) TREATMENT BY EMPLOYER TO BE DETERMINATIVE.—Any option which the corporation treats as a qualified stock option, a restricted stock option, or an option granted under an employee stock purchase plan shall be deemed to be such an option.

"(2) SUBSECTION (a)(2) APPLIES ONLY TO FIRST TRANSFER DESCRIBED THEREIN.—A statement is required by reason of a transfer described in subsection (a)(2) of a share only with respect to the first transfer of such share by the person who exercised the option.

"(3) IDENTIFICATION OF STOCK.—Any corporation which transfers any share of stock pursuant to the exercise of any option described in subsection (a)(2) shall identify such stock in a manner adequate to carry out the purposes of this section.

"(c) CROSS REFERENCES.—

"For definition of—

"(1) The term 'qualified stock option', see section 422(b).

"(2) The term 'employee stock purchase plan', see section 423(b).

"(3) The term 'restricted stock option', see section 424(b)."

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6652 of such Code is amended— 26 USC 6652.

(A) by inserting "or" at the end of paragraph (1),

(B) by striking out paragraph (2) and resdesignating paragraph (3) as paragraph (2), and

(C) by striking out "return referred to in paragraph (2) or (3)" and inserting in lieu thereof "return referred to in paragraph (2)".

(2) Section 6678 of such Code (relating to penalty for failure to furnish certain statements) is amended to read as follows: 26 USC 6678.

"SEC. 6678. FAILURE TO FURNISH CERTAIN STATEMENTS.

"In the case of each failure—

"(1) to furnish a statement under section 6042(c), 6044(e), 6049(c), or 6052(b), on the date prescribed therefor to a person with respect to whom a return has been made under section 6042(a)(1), 6044(a)(1), 6049(a)(1), or 6052(a), respectively, or 26 USC 6042. 26 USC 6044. 26 USC 6049. 26 USC 6052.

"(2) to furnish a statement under section 6039(a) on the date prescribed therefor to a person with respect to whom such a statement is required, 26 USC 6039.

unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to so furnish the statement $10 for each such statement not so furnished, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $25,000."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to calendar years beginning after 1979. Effective date. 26 USC 6678 note.

SEC. 8. EXTENSION OF TIME FOR FILING GIFT TAX RETURN FOR FOURTH CALENDAR QUARTER.

(a) GENERAL RULE.—Paragraph (1) of section 6075(b) of the Internal Revenue Code of 1954 (relating to due date for gift tax returns) is amended to read as follows: 26 USC 6075.

"(1) GENERAL RULE.—Except as provided in paragraph (2), returns made under section 6019 (relating to gift taxes) shall be filed on or before— 26 USC 6019.

"(A) in the case of a return for the first, second, or third calendar quarter of any calendar year, the 15th day of the second month following the close of the calendar quarter, or

"(B) in the case of a return for the fourth calendar quarter of any calendar year, the 15th day of the fourth month following the close of the calendar quarter."

26 USC 6075.

(b) Extension of Date for Filing Income Tax Return Treated as Extension of Date for Filing Gift Tax Return.—Subsection (b) of section 6075 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

26 USC 6019.

"(3) Extension where taxpayer granted extension for filing income tax return.—Any extension of time granted the taxpayer for filing the return of income taxes imposed by subtitle A for any taxable year which is a calendar year shall be deemed to be also an extension of time granted the taxpayer for filing the return under section 6019 for the fourth calendar quarter of such taxable year."

26 USC 6075.

(c) Technical Amendments.—Paragraph (2) of section 6075(b) of such Code is amended—

(1) by striking out "the 15th day of the second month after" and inserting in lieu thereof "the date prescribed by paragraph (1) for filing the return for", and

(2) by striking out "the close of" in subparagraphs (A) and (B).

Effective date.
26 USC 6075 note.

(d) Effective Date.—The amendments made by this section shall apply to returns for gifts made in calendar years ending after the date of the enactment of this Act.

SEC. 9. EXTENSION OF CERTAIN TEMPORARY TAX PROVISIONS.

26 USC 117 note.

(a) Government Health Professions Scholarship Programs.—Subsection (c) of section 4 of Public Law 93-483, as amended, is amended—

(1) by striking out "1980" and inserting in lieu thereof "1981", and

(2) by striking out "1984" and inserting in lieu thereof "1985".

92 Stat. 2810.
26 USC 117 note.

(b) National Research Service Awards.—Paragraph (2) of section 161(b) of the Revenue Act of 1978 (relating to national research service awards) is amended by striking out "1979" and inserting in lieu thereof "1980".

26 USC 190 note.

(c) Deduction for Eliminating Architectural and Transportation Barriers to the Handicapped.—Subsection (c) of section 2122 of the Tax Reform Act of 1976 (relating to effective date for allowance of deduction for eliminating architectural and transportation barriers to the handicapped) is amended by striking out "January 1, 1980" and inserting in lieu thereof "January 1, 1983".

(d) Controversies Involving Whether Individuals are Employees for Purposes of the Employment Taxes.—

92 Stat. 2885.
26 USC 3401 note.

(1) In general.—Subsection (a) of section 530 of the Revenue Act of 1978 (relating to termination of certain employment tax liability for periods before 1980) is amended—

(A) by striking out "January 1, 1980" in paragraphs (1)(A) and (3) and inserting in lieu thereof "January 1, 1981",

(B) by striking out "1980" in the subsection heading and inserting in lieu thereof "1981", and

(C) by striking out "1979" in the heading for paragraph (3) and inserting in lieu thereof "1979 and 1980".

(2) Prohibition against regulations and rulings on employment status.—Subsection (b) of section 530 of the Revenue Act of 1978 is amended by striking out "January 1, 1980" and inserting in lieu thereof "January 1, 1981".

(e) ADDITIONAL 2-YEAR DELAY IN APPLICATION OF THE NET OPERATING LOSS RULES ADDED BY THE TAX REFORM ACT OF 1976.—Paragraphs (2) and (3) of section 806(g) of the Tax Reform Act of 1976 (relating to effective dates for the amendments to sections 382 and 383 of the Internal Revenue Code of 1954) are amended by striking out "1980" each place it appears and inserting in lieu thereof "1982".

26 USC 1 note.
26 USC 382 note.
26 USC 382.
26 USC 383.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-448 (Comm. on Ways and Means).
SENATE REPORT No. 96-433 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- Oct. 9, considered and passed House.
- Dec. 7, considered and passed Senate, amended.
- Dec. 19, House concurred in Senate amendment with an amendment.
- Dec. 20, Senate concurred in House amendment.

Public Law 96-168
96th Congress

Joint Resolution

Dec. 29, 1979
[H.J. Res. 462]

Expressing the sense of Congress concerning the White House Preservation Fund.

White House Preservation Fund.
Sense of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the White House Preservation Fund, a private nonprofit organization having for its primary purpose assisting in the preservation and enhancement of the historic and museum character of the White House and the cultural and historic traditions which the White House represents, is deserving of the encouragement and support of the American people in its nonpartisan program to raise an endowment to assure a permanent collection of, and perpetual care for, furniture, paintings, decorative art, and representative craftsmanship at the highest quality and of the most historical significance.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 20, considered and passed House and Senate.

Public Law 96-169
96th Congress

An Act

To provide for participation of the United States in the International Energy Exposition to be held in Knoxville, Tennessee, in 1982, and for other purposes.

Dec. 29, 1979
[H.R. 5079]

International Energy Exposition, Knoxville, Tenn. U.S. participation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the Act entitled "An Act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes", approved May 27, 1970 (Public Law 91-269; 22 U.S.C. 2801 et seq.), the President is authorized to provide for United States participation in an international exposition to be known as Energy-Expo 82 (hereinafter in this Act referred to as the "exposition"), to be held in Knoxville, Tennessee, in 1982. The purposes of the exposition are—

(1) to offer the citizens of the world a greater understanding of the effective uses of energy and energy resources, of the necessity to conserve existing energy resources, and of the need for creativity in the development of new and alternative energy sources; and

(2) to encourage tourist travel in and to the United States, stimulate foreign trade, and promote cultural exchanges.

SEC. 2. (a) The President, through the Secretary of Commerce (hereinafter in this Act referred to as the "Secretary") and the other officials designated in this Act, is authorized to carry out in the most effective manner the proposal for United States participation in the exposition, transmitted by the President to the Congress pursuant to section 3 of Public Law 91-269 (22 U.S.C. 2803), and to carry out the responsibilities of the Federal Government for the organization, development, and administration of the exposition as required by the Convention Relating to International Expositions, done at Paris on November 22, 1928 (hereinafter in this Act referred to as the "Convention"), and the General Rules for Energy-Expo 82, as approved by the Bureau of International Expositions.

Presidential appointment.

(b) The President is authorized to appoint, by and with the advice and consent of the Senate, a Commissioner General of the United States Government for Energy-Expo 82, who shall be the senior Federal official for the exposition and who shall have such duties and exercise such responsibilities for the organization, development, and administration of the exposition as may be necessary and appropriate to fulfill the requirements of the Convention and the General Rules for Energy-Expo 82. The Commissioner General shall be in the Department of Commerce and shall be compensated at the rate of basic pay which is equal to the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) The Secretary shall designate a Commissioner General of Section for United States participation in the exposition (as provided for in the proposal referred to in subsection (a)), who shall be in the Department of Commerce and who shall perform such duties in the execution of this Act as may be delegated or assigned by the Secretary, including serving as director of the United States pavilion.

Consultants and experts.

5 USC 5332 note.

SEC. 3. (a) The Secretary is authorized to obtain the services of consultants and experts as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily rate in effect for grade GS-18 under the General Schedule, to the extent the Secretary deems it necessary to carry out the provisions of this Act. Subject to the availability of appropriations, persons so appointed shall be reimbursed for travel and other necessary expenses incurred, including a per diem allowance, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Contracts.

(b) Subject to the availability of appropriations, the Secretary is authorized to enter into such contracts as may be necessary to provide for United States participation in the exposition.

Buildings and other structures, erection.

(c) The Secretary is authorized to erect such buildings and other structures as may be appropriate for United States participation in the exposition on land (approximately 4.6 acres, including land necessary for ingress and egress) conveyed to the United States in consideration of participation by the United States in the exposition and without other consideration. The Secretary is authorized to accept title in fee simple to such land and any interest therein if the Secretary determines that it is free of liens, or of any other encumbrances, restrictions, or conditions that would interfere with the use of the property by the United States for purposes of this Act or would prevent the disposal of the property as provided in section 6. In the acceptance of such property, and in the design and construction of buildings and other structures and facilities on such property, the Secretary shall consult with the Administrator of General Services and the heads of other interested agencies to assure that such activities will be undertaken in a manner that (1) minimizes to the greatest extent practicable any adverse effects on the recreational and other environmental values of the area, and (2) preserves and enhances to the greatest extent practicable the utility of the property for public purposes, needs, or other benefits following the close of the exposition.

(d) Subject to the availability of appropriations, the Secretary is authorized to incur such other expenses as may be necessary to carry out the purposes of this Act, including but not limited to (1) expenditures involved in the selection, purchase, rental, construction, and other acquisition, and in the disposition, of exhibits and of materials and equipment for exhibits and in the actual display of exhibits, and (2) related expenditures for transportation, insurance, installation, safekeeping, printing, maintenance and operation, rental of space, representing and dismantling, and the purchase of reference books, newspapers, and periodicals.

SEC. 4. The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the Secretary with respect to carrying out any of the provisions of this Act; and

(2) to make available to the Secretary from time to time, on a reimbursable or nonreimbursable basis, such personnel as may be necessary to assist the Secretary in carrying out any of the provisions of this Act.

Report to Congress.

SEC. 5. Within one year after the date of the official close of the exposition, the Secretary shall transmit to the Congress a report on the activities of the Federal Government pursuant to this Act, including a detailed statement of expenditures. Upon transmission of such report to the Congress, all appointments made under this Act shall terminate, except those which may be extended by the President for such additional period of time as he deems necessary to carry out the purposes of this Act.

SEC. 6. After the close of the exposition, all Federal property shall be disposed of in accordance with provisions of the Federal Property and Administrative Services Act of 1949 and other applicable Federal laws relating to the disposition of excess and surplus property.

40 USC 471 note.

SEC. 7. The functions authorized by this Act may be performed without regard to the prohibitions and limitations of the following laws:

(1) That part of section 3109(b) of title 5, United States Code, which reads "(not in excess of one year)".

(2) Section 16(a) of the Administrative Expenses Act of 1946 (31 U.S.C. 638a) to the extent that it pertains to hiring automobiles.

(3) Section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) (procurement).

(4) Section 305(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255(c)) (security for advance payments), and section 3648 of the Revised Statutes of the United States (31 U.S.C. 529) (advance of public moneys), if the Secretary determines that it is impracticable to obtain adequate security and that there is a compelling need to make an advance payment.

(5) Section 322 of the Act of June 20, 1932 (40 U.S.C. 278a) (lease of buildings to the Federal Government), if the Secretary determines that waiver of that section would be in the best interests of the Federal Government.

(6) Section 2 of the Act of March 3, 1933 (41 U.S.C. 10a) (Buy American Act).

(7) Section 501 of title 44, United States Code (printing by the Government Printing Office).

(8) Section 3702 of title 44, United States Code (advertisements without authority).

(9) Section 3703 of title 44, United States Code (rates of payment for advertisements).

Appropriation authorization.

SEC. 8. To carry out United States participation in the exposition, there are authorized to be appropriated $20,800,000 to remain available until expended.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-714 (Comm. of Conference).
SENATE REPORT No. 96-369 accompanying S. 1012 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Oct. 9, considered and passed House.
  Nov. 14, S. 1012 considered in Senate; H.R. 5079 considered and passed Senate, amended, in lieu of S. 1012.
  Dec. 20, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 52:
  Dec. 31, Presidential statement.

Public Law 96-170
96th Congress

An Act

Dec. 29, 1979
[H.R. 3343]

To permit civil suits under section 1979 of the Revised Statutes (42 U.S.C. 1983) against any person acting under color of any law or custom of the District of Columbia who subjects any person within the jurisdiction of the District of Columbia to the deprivation of any right, privilege, or immunity secured by the Constitution and laws.

Civil rights in the District of Columbia. Suits for violation, permit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended—

(1) by inserting "or the District of Columbia" after "any State or Territory"; and

(2) by adding at the end thereof the following new sentence: "For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.".

SEC. 2. Section 1343 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "The district courts"; and

(2) by adding at the end thereof the following new subsection:

"(b) For purposes of this section—

"(1) the District of Columbia shall be considered to be a State; and

"(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.".

Effective date. 28 USC 1343 note.

SEC. 3. The amendments made by this Act shall apply with respect to any deprivation of rights, privileges, or immunities secured by the Constitution and laws occurring after the date of the enactment of this Act.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-548 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 27, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 96-171
96th Congress

An Act

To require a study of the desirability of mandatory age retirement for certain pilots, and for other purposes.

Dec. 29, 1979
[H.R. 3948]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the National Institutes of Health, in consultation with the Secretary of Transportation, shall conduct a study to determine—

Pilots, study of mandatory age retirement.
49 USC 1421 note.

(1) whether an age limitation which prohibits all individuals who are sixty years of age or older from serving as pilots is medically warranted;

(2) whether an age limitation which prohibits all individuals who are older than a particular age from serving as pilots is medically warranted;

(3) whether rules governing eligibility for first- and second-class medical certification, as set forth in part 67 of title 14 of the Code of Federal Regulations (as in effect on the date of enactment of this Act), are adequate to determine an individual's physical condition in light of existing medical technology;

14 CFR Part 67.

(4) whether rules governing the frequency of first- and second-class medical examinations, as set forth in part 67 of title 14 of the Code of Federal Regulations (as in effect on the date of enactment of this Act), are adequate to assure that an individual's physical condition is being satisfactorily monitored; and

(5) the effect of aging on the ability of individuals to perform the duties of pilots with the highest level of safety.

The Director shall complete such study and submit a report of the results thereof to Congress within one year after the date of enactment of this Act. In conducting such study the Director shall utilize all available studies and data which are relevant to such study.

Report to Congress.

Sec. 2. No funds are authorized to be appropriated for the fiscal year commencing October 1, 1979, in addition to funds otherwise available to carry out the study described in section 1 of this Act.

Appropriation authorization.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-474 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
    Dec. 5, considered and passed House.
    Dec. 18, considered and passed Senate, amended.
    Dec. 19, House concurred in Senate amendment.

Public Law 96-172
96th Congress

An Act

Dec. 29, 1979
[H.R. 2771]

To change the name of the Palmetto Bend Reservoir on the Navidad River in Texas to Lake Texana.

Lake Texana, Tex., designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Palmetto Bend Reservoir on the Navidad River near Edna, Texas, authorized to be constructed by the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes", approved October 12, 1968 (82 Stat. 999), shall be known as Lake Texana. Any reference in any law, regulation, map, document, record, or other paper of the United States to such reservoir shall be considered to be a reference to Lake Texana.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-142 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-482 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  May 21, considered and passed House.
  Dec. 20, considered and passed Senate.

Public Law 96-173
96th Congress

An Act

To amend title 10, United States Code, to provide that any person eligible for medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who is a veteran with a service-connected disability may not be denied care and treatment for such disability under CHAMPUS solely because such person is eligible for care and treatment for such disability in Veterans' Administration facilities.

Dec. 29, 1979
[H.R. 5025]

CHAMPUS eligibility, expansion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1086 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding subsection (d) or any other provision of this chapter, no person eligible for health benefits under this section may be denied benefits under this section with respect to care or treatment for any service-connected disability which is compensable under chapter 11 of title 38 solely on the basis that such person is entitled to care or treatment for such disability in Veterans' Administration facilities.".

Effective date. 10 USC 1086 note.

SEC. 2. The amendment made by the first section of this Act shall take effect on October 1, 1979.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-469 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 15, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 96-174
96th Congress

An Act

Dec. 29, 1979
[H.R. 5174]

To amend section 209 of title 18, United States Code.

White House Fellows and Executive Exchange Programs.
Relocation expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of title 18, United States Code, is amended by inserting the following new subsection (e):

"(e) This section does not prohibit the payment of actual relocation expenses incident to participation, or the acceptance of same by a participant in an executive exchange or fellowship program in an executive agency: *Provided,* That such program has been established by statute or Executive order of the President, offers appointments not to exceed three hundred and sixty-five days, and permits no extensions in excess of ninety additional days.".

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-674 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 17, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 96-175
96th Congress

An Act

To authorize certain transactions involving the acquisition and disposal of strategic and critical materials for the National Defense Stockpile.

Dec. 29, 1979
[H.R. 595]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Strategic and Critical Materials Transaction Authorization Act of 1979".

Strategic and Critical Materials Transaction Authorization Act of 1979.

SEC. 2. There is authorized to be appropriated the sum of $237,000,000 for the acquisition of strategic and critical materials under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e). Before any acquisition using funds appropriated under the authorization of this section may be carried out, a list of the materials to be acquired shall be submitted to the Committees on Armed Services of the Senate and House of Representatives, and such acquisition may not then be carried out until the end of the 60-day period beginning on the date such list is received by such committees.

SEC. 3. The President is hereby authorized to dispose of materials determined to be excess to the current requirements of the National Defense Stockpile in the following quantities:

(1) 35,000 long tons of tin.
(2) 3,000,000 carats of industrial diamond stones.

SEC. 4. Any acquisition using funds appropriated under the authorization of section 2, and any disposal under the authority of section 3, shall be carried out in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 5. The President, on behalf of the United States, is authorized to contribute (from the amount of tin authorized to be disposed of under section 3(1)) up to 5,000 long tons of tin to the Tin Buffer Stock established under the Fifth International Tin Agreement. Upon the termination of such agreement in 1981, all proceeds generated from such contribution shall be remitted to the National Defense Stockpile Transaction Fund established by section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-56 (Comm. on Armed Services) and No. 96-680 (Comm. of Conference).
SENATE REPORT No. 96-338 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Apr. 3, considered and passed House.
Oct. 16, considered and passed Senate, amended.
Dec. 12, House concurred in one Senate amendment and in another with an amendment.
Dec. 19, Senate concurred in House amendment.

Public Law 96-176
96th Congress

An Act

Dec. 31 1979
[H.R. 5523]

To establish an improved program for extra long staple cotton.

Extra long staple cotton, improved program.
7 USC 1441.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to the 1980 and subsequent crops of extra long staple cotton, section 101(f) of the Agricultural Act of 1949, as amended, is amended by—

(1) striking out "1968" and inserting in lieu thereof "1980";
(2) striking out "50" and inserting in lieu thereof "85";
(3) striking out "100" and inserting in lieu thereof "135"; and
(4) striking out "65" and inserting in lieu thereof "55".

Approved December, 31, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-688 (Comm. on Agriculture).
SENATE REPORT No. 96-445 accompanying S. 1978 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 17, considered and passed House.
Dec. 18, S. 1978 considered and passed Senate.
Dec. 19, H.R. 5523 considered and passed Senate; S. 1978 indefinitely postponed.

Public Law 96-177
96th Congress

An Act

To modify the method of establishing quotas on the importation of certain meat, to include within such quotas certain meat products, and for other purposes.

Dec. 31, 1979
[H.R. 2727]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 22, 1964, entitled "An Act to provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products" (19 U.S.C. 1202 note) is amended to read as follows:

Meat imports, quota modifications.

"SEC. 2. (a) This section may be cited as the 'Meat Import Act of 1979'.

Meat Import Act of 1979.

"(b) For purposes of this section—

Definitions.

"(1) The term 'entered' means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

"(2) The term 'meat articles' means the articles provided for in the Tariff Schedules of the United States (19 U.S.C. 1202) under—

"(A) item 106.10 (relating to fresh, chilled, or frozen cattle meat);

"(B) items 106.22 and 106.25 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)); and

"(C) items 107.55 and 107.62 (relating to prepared and preserved beef and veal (except sausage)), if the articles are prepared, whether fresh, chilled, or frozen, but not otherwise preserved.

"(3) The term 'Secretary' means the Secretary of Agriculture.

"(c) The aggregate quantity of meat articles which may be entered in any calendar year after 1979 may not exceed 1,204,600,000 pounds; except that this aggregate quantity shall be—

"(1) increased or decreased for any calendar year by the same percentage that the estimated average annual domestic commercial production of meat articles in that calendar year and the 2 preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of meat articles during calendar years 1968 through 1977; and

"(2) adjusted further under subsection (d).

For purposes of paragraph (1), the estimated annual domestic commercial production of meat articles for any calendar year does not include the carcass weight of live cattle specified in items 100.40, 100.43, 100.45, 100.53, and 100.55 of such Schedules entered during such year.

"(d) The aggregate quantity referred to in subsection (c), as increased or decreased under paragraph (1) of such subsection, shall be adjusted further for any calendar year after 1979 by multiplying such quantity by a fraction—

"(1) the numerator of which is the average annual per capita production of domestic cow beef during that calendar year (as estimated) and the 4 calendar years preceding such calendar year; and

"(2) the denominator of which is the average annual per capita production of domestic cow beef in that calendar year (as estimated) and the preceding calendar year.

"Domestic cow beef."

For the purposes of this subsection, the phrase 'domestic cow beef' means that portion of the total domestic cattle slaughter designated by the Secretary as cow slaughter.

"(e) For each calendar year after 1979, the Secretary shall estimate and publish—

"(1) before the first day of such calendar year, the aggregate quantity prescribed for such calendar year under subsection (c) as adjusted under subsection (d); and

"(2) before the first day of each calendar quarter in such calendar year, the aggregate quantity of meat articles which (but for this section) would be entered during such calendar year.

In applying paragraph (2) for the second or any succeeding calendar quarter in any calendar year, actual entries for the preceding calendar quarter or quarters in such calendar year shall be taken into account to the extent data is available.

"(f)(1) If the aggregate quantity estimated before any calendar quarter by the Secretary under subsection (e)(2) is 110 percent or more of the aggregate quantity estimated by him under subsection (e)(1), and if there is no limitation in effect under this section for such calendar year with respect to meat articles, the President shall by proclamation limit the total quantity of meat articles which may be entered during such calendar year to the aggregate quantity estimated for such calendar year by the Secretary under subsection (e)(1); except that no limitation imposed under this paragraph for any calendar year may be less than 1,250,000,000 pounds. The President shall include in the articles subject to any limit proclaimed under this paragraph any article of meat provided for in item 107.61 of the Tariff Schedules of the United States (relating to high-quality beef specially processed into fancy cuts).

19 USC 1202 note.

"(2) If the aggregate quantity estimated before any calendar quarter by the Secretary under subsection (e)(2) is less than 110 percent of the aggregate quantity estimated by him under subsection (e)(1), and if a limitation is in effect under this section for such calendar year with respect to meat articles, such limitation shall cease to apply as of the first day of such calendar quarter. If any such limitation has been in effect for the third calendar quarter of any calendar year, then it shall continue in effect for the fourth calendar quarter of such year unless the proclamation is suspended or the total quantity is increased pursuant to subsection (g).

Publication in Federal Register.

"(g) The President may, after providing opportunity for public comment by giving 30 days' notice by publication in the Federal Register of his intention to so act, suspend any proclamation made under subsection (f), or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—

"(1) such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic cattle industry;

"(2) the supply of meat articles will be inadequate to meet domestic demand at reasonable prices; or

"(3) trade agreements entered into after the date of enactment of this Act insure that the policy set forth in subsections (c) and (d) will be carried out.

Any such suspension shall be for such periods, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of this subsection.

"(h) Notwithstanding the previous subsections, the total quantity of meat articles which may be entered during any calendar year may not be increased by the President if the fraction described in subsection (d) for that calendar year yields a quotient of less than 1.0, unless—

"(1) during a period of national emergency declared under section 201 of the National Emergencies Act of 1976, he determines and proclaims that such action is required by overriding national security interests of the United States; 50 USC 1621.

"(2) he determines and proclaims that the supply of articles of the kind to which the limitation would otherwise apply will be inadequate, because of a natural disaster, disease, or major national market disruption, to meet domestic demand at reasonable prices; or

"(3) on the basis of actual data for the first two quarters of the calendar year, a revised calculation of the fraction described in subsection (d) for the calendar year yields a quotient of 1.0 or more.

Any such suspension shall be for such period, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of this subsection. The effective period of any such suspension or increase made pursuant to paragraph (1) may not extend beyond the termination, in accordance with the provisions of section 202 of the National Emergencies Act of 1976, of such period of national emergency, notwithstanding the provisions of section 202(a) of that Act. 50 USC 1622.

"(i) The Secretary shall allocate the total quantity proclaimed under subsection (f)(1) and any increase in such quantity provided for under subsection (g) among supplying countries on the basis of the shares of the United States market for meat articles such countries supplied during a representative period. Notwithstanding the preceding sentence, due account may be given to special factors which have affected or may affect the trade in meat articles or cattle. The Secretary shall certify such allocations to the Secretary of the Treasury.

"(j) The Secretary shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of this section. Regulations.

"(k) All determinations by the President and the Secretary under this section shall be final. Determinations.

Study, report and recommendations to congressional committees.

"(l) The Secretary of Agriculture shall study the regional economic impact of imports of meat articles and report the results of his study, together with any recommendations (including recommendations for legislation, if any) to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate not later than June 30, 1980.".

Effective date. 19 USC 1202 note.

SEC. 2. This Act shall take effect January 1, 1980.

Approved December 31, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-238 (Comm. on Ways and Means).
SENATE REPORT No. 96-465 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 125 (1979):
    Nov. 13, 14, considered and passed House.
    Dec. 18, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 52:
    Dec. 31, Presidential statement.

Public Law 96-178
96th Congress

An Act

To extend for one year the provisions of law relating to the business expenses of State legislators.

Jan. 2, 1980
[H.R. 3091]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a) and (d) of section 604 of the Tax Reform Act of 1976 (Public Law 94-455) are each amended by striking out "January 1, 1978" and inserting in lieu thereof "January 1, 1979".

State legislators' business expenses, provisions of law, extension.
26 USC 162 note.

CHILD SUPPORT ENFORCEMENT

SEC. 2. (a) Section 455(a) of the Social Security Act is amended—

42 USC 655.

(1) by striking out the semicolon at the end of paragraph (2) and inserting in lieu of such semicolon a period, and

(2) by striking out all that follows paragraph (2).

(b) This section shall become effective on the date of the enactment of this Act, and shall apply with respect to services furnished during the period beginning October 1, 1978, and ending March 31, 1980.

Effective date.
42 USC 655 note.

WIN CREDIT

SEC. 3. (a)(1) Section 50B of the Internal Revenue Code of 1954 is amended by redesignating subsection (i) as subsection (j) and by adding after subsection (h) the following new subsection:

26 USC 50B.

"(i) SPECIAL RULES WITH RESPECT TO EMPLOYMENT OF DAY CARE WORKERS.—

"(1) ELIGIBLE EMPLOYEE.—An individual who would be an 'eligible employee' (as that term is defined for purposes of this section) except for the fact that such individual's employment is not on a substantially full-time basis, shall be deemed to be an eligible employee as so defined, if such employee's employment consists of services performed in connection with a child day care program of the taxpayer, on either a full-time or part-time basis.

"(2) ALTERNATIVE LIMITATION WITH RESPECT TO CHILD DAY CARE SERVICES ELIGIBLE EMPLOYEES.—The amount of the credit allowed a taxpayer under the preceding provisions of this section with respect to work incentive program expenses paid or incurred by him with respect to an eligible employee whose services are performed in connection with a child day care services program conducted by the taxpayer shall, at the election of the taxpayer, be determined by including (in computing the amount of such expenses so paid or incurred by him) any amount with respect to such employee for which he was reimbursed from funds made available pursuant to section 3(c) of Public Law 94-401 or section 2007 of title XX of the Social Security Act, except that, if the total amount of such credit, as so computed, plus such amount reimbursed to him under such sections, exceeds the lesser of $6,000 or 100 percent of the total expenses paid or incurred by him with respect to such employee, the amount of such credit shall be

42 USC 1397a note.
42 USC 1397f.

reduced (but not below zero) so as to provide that such total does not exceed the lesser of $6,000 or 100 percent of the total expenses paid or incurred by him with respect to such employee.".

Effective date. 26 USC 50B note.

(2) The amendment made by paragraph (1) shall become effective on the date of the enactment of this Act, and shall apply with respect to taxable years beginning after December 31, 1978, and before January 1, 1980.

26 USC 50B. 91 Stat. 1353; 92 Stat. 2763.

(3) Section 50B(a)(2)(B) of the Internal Revenue Code of 1954 as in effect prior to amendment by the Revenue Act of 1978 is amended, effective October 1, 1978, by striking out "October 1, 1978" and inserting in lieu thereof "January 1, 1979".

42 USC 1397a note.

(b) Paragraphs (1) and (2)(A) of section 3(c) of Public Law 94-401 are each amended by striking out "(other than the fiscal year ending September 30, 1979)".

(c) Paragraphs (1) and (3)(B) of section 3(c) of Public Law 94-401 are each amended by striking out "Federal welfare recipient employment incentive expenses" each time it appears and inserting in lieu thereof in each instance "work incentive program expenses".

(d) Section 3(c)(3)(B) of Public Law 94-401 is amended—

(1) by striking out "Federal welfare recipient employment expenses" and inserting in lieu thereof "work incentive program expenses"; and

(2) by striking out "section 50B(a)(2)" and inserting in lieu thereof "section 50B(a)(1)".

(e) Section 3(c)(2)(B) of Public Law 94-401 is amended—

(1) by striking out "$5,000" and inserting in lieu thereof "$6,000"; and

(2) by striking out "$4,000" and inserting in lieu thereof "$5,000".

Effective date. 42 USC 1397a note.

(f)(1) The amendments made by subsection (b) shall become effective on the date of the enactment of this Act, and shall apply with respect to grants made to qualified providers of child day care services on or after October 1, 1978.

(2) The amendments made by subsections (c), (d), and (e) shall become effective on the date of the enactment of this Act, and shall apply with respect to expenses paid or incurred after December 31, 1978.

CHILD DAY CARE SERVICES

42 USC 1397a.

SEC. 4. (a) Section 2002(a)(1) of the Social Security Act is amended by inserting "100 per centum of the expenditures during that quarter (which are not in excess of 2 per centum of the limitation applicable to that State under paragraph (2)(A) for the fiscal year in which such quarter occurs) for grants to qualified providers under section 2007," after "an amount equal to".

42 USC 1397f.

(b) Title XX of such Act is amended by redesignating section 2007 as section 2008 and inserting after section 2006 the following new section:

"CHILD DAY CARE SERVICES

42 USC 1397e-1.

"SEC. 2007. (a) Subject to subsection (b), sums granted by a State to a qualified provider of child day care services (as defined in subsection (c)) to assist such provider in meeting its work incentive program expenses (as defined in subsection (c)) with respect to individuals employed in jobs related to the provision of child day care services in one or more child day care facilities of such provider, shall be deemed for purposes of section 2002 to constitute expenditures made by the

State in accordance with the provisions of this title for the provision of child day care services.

"(b) The provisions of subsection (a) shall not be applicable with respect to any grant made to a particular qualified provider of child day care services to the extent that (as determined by the Secretary) such grant is or will be used to pay wages to any employee at an annual rate in excess of $6,000, in the case of a public or nonprofit private provider, or at an annual rate in excess of $5,000, or to pay more than 80 per centum of the wages of any employee, in the case of any other provider.

"(c) For purposes of this subsection—

Definitions.

"(1) the term 'qualified provider of child day care services', when used in reference to a recipient of a grant by a State, includes a provider of such services only if, of the total number of children receiving such services from such provider in the facility with respect to which the grant is made, at least 20 per centum thereof have some or all of the costs for the child day care services so furnished to them by such provider paid for under the State's services program conducted pursuant to this title; and

"(2) the term 'work incentive program expenses' means expenses of a qualified provider of child day care services which constitute work incentive program expenses as defined in section 50B(a)(1) of the Internal Revenue Code of 1954, or which would constitute work incentive program expenses as so defined if the provider were a taxpayer entitled to a credit (with respect to the wages involved) under section 40 of such Code.".

26 USC 50B.

26 USC 40.

(c) Sections 2002(a)(4)(C), 2002(a)(4)(D), and 2002(a)(5)(A) of such Act are each amended by striking out "2007(1)" and inserting in lieu thereof "2008(1)".

42 USC 1397a.

(d) The amendments made by this section shall become effective on the date of the enactment of this Act, and shall apply with respect to grants made to qualified providers of child day care services during the period beginning October 1, 1979, and ending March 31, 1980.

Effective date.
42 USC 1397e-1 note.

EXTENSION OF PROVISIONS RELATING TO ALCOHOLICS AND DRUG ADDICTS

SEC. 5. (a) Section 4(c) of Public Law 94-120 is amended by striking out "only for the period" and all that follows and inserting in lieu thereof "from and after October 1, 1975.".

42 USC 1397a note.

(b) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act, and shall apply with respect to services provided during the period beginning October 1, 1978, and ending March 31, 1980.

Effective date.
42 USC 1397a note.

AMENDMENTS RELATED TO SECTION 322 OF THE REVENUE ACT OF 1978

SEC. 6. (a) Paragraph (1) of section 322(e) of the Revenue Act of 1978 (relating to effective date) is amended by adding at the end thereof the following new sentence: "For purposes of applying section 50A(a)(2) of the Internal Revenue Code of 1954 with respect to a taxable year beginning before January 1, 1979, the rules of sections 50A(a)(4), 50A(a)(5), and 50B(e)(3) of such Code (as in effect on the day before the date of the enactment of this Act shall apply.".

92 Stat. 2836.
26 USC 50A note.
26 USC 50A.
26 USC 50B.

(b) Subparagraph (B) of section 322(e)(2) of the Revenue Act of 1978 (relating to eligible employees hired after September 26, 1978) is amended—

(1) by striking out "September 27, 1978," and inserting in lieu thereof "September 26, 1978, for purposes of applying the amendments made by this section,"; and

(2) by striking out "January 1, 1979." and inserting in lieu thereof "January 1, 1979, and any wages paid or incurred after December 31, 1978, with respect to such individual shall be considered to be attributable to services rendered after that date.".

26 USC 50A.

(c)(1) Subparagraph (C) of section 50A(a)(4) of the Internal Revenue Code of 1954 (relating to limitation with respect to nonbusiness eligible employees) is amended by striking out "'$6,000' and" and inserting in lieu thereof "'$6,000' for".

26 USC 50B.

(2) Subparagraph (B) of section 50B(g)(2) of such Code is amended by striking out "giving to such credit" and inserting in lieu thereof "giving rise to such credit".

(3) Clause (i) of section 50B(h)(1)(A) of such Code is amended by striking out "9-day" and inserting in lieu thereof "90-day".

92 Stat. 2836.
26 USC 280C.

(4) The second subsection designated as subsection (d) of section 322 of the Revenue Act of 1978 is amended by striking out "our" in paragraph (1)(A) thereof and inserting in lieu thereof "out".

Effective date.
26 USC 50A note.

(d) Any amendment made by this section to the Revenue Act of 1978 shall take effect as if it had been included in the provision of the Revenue Act of 1978 to which such amendment relates.

Approved January 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-63 (Comm. on Ways and Means) and No. 96-718 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):
Mar. 27, considered and passed House.
Mar. 28, considered and passed Senate, amended.
Dec. 19, House agreed to conference report.
Dec. 20, Senate agreed to conference report.

Public Law 96-179
96th Congress

An Act

To amend the provisions of chapters 83 and 89 of title 5, United States Code, which relate to survivor benefits for certain dependent children, and for other purposes.

Jan. 2, 1980
[H.R. 2584]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8341(a) of title 5, United States Code, is amended—

Dependent children, survivor benefits.

(1) by striking out "and" at the end of paragraph (2),

(2) by inserting after paragraph (2) the following new paragraph:

"(3) 'dependent', in the case of any child, means that the employee or Member involved was, at the time of the employee or Member's death, either living with or contributing to the support of such child, as determined in accordance with such regulations as the Office of Personnel Management shall prescribe; and"; and

"Dependent."

(3) by redesignating paragraph (3) as paragraph (4), and in paragraph (4) (as redesignated) by—

(A) inserting "dependent" after "unmarried" each place it appears in subparagraphs (A), (B), and (C);

(B) striking out "or recognized natural child who" in subparagraph (A)(ii) and inserting in lieu thereof "but only if the stepchild"; and

(C) by inserting "a recognized natural child, and (iv)" after "(iii)".

SEC. 2. Section 8901 of title 5, United States Code, is amended—

(1) in paragraph (5), by—

(A) inserting "dependent" after "unmarried" each place it appears therein; and

(B) by inserting "or recognized natural child" after "child" in subparagraph (A); and

(C) by striking out ", foster child, or recognized natural child who" in subparagraph (B) and inserting in lieu thereof "or foster child but only if the child;".

(2) by striking out "and" at the end of paragraph (7);

(3) by striking out the period at the end of paragraph (8) and inserting "; and" in lieu thereof; and

(4) by inserting after paragraph (8) the following new paragraph:

"(9) 'dependent', in the case of any child, means that the employee or annuitant involved is either living with or contributing to the support of such child, as determined in accordance with such regulations as the Office shall prescribe.".

"Dependent."

SEC. 3. Section 8902(m)(2)(A) of title 5, United States Code, is amended by striking out all after "contract" the third place it appears and inserting in lieu thereof the following: "in a State where 25 percent or more of the population is located in primary medical care manpower shortage areas designated pursuant to section 332 of the Public Health Service Act (42 U.S.C. 254e)."

SEC. 4. Section 8344(c) of title 5, United States Code, is amended by inserting "or is elected as a Member," after "subchapter,".

Effective dates.
5 USC 8341 note.

SEC. 5. (a) The amendments made by the first section and section 2 of this Act shall take effect on the date of the enactment of this Act, except that no benefits under chapter 89 of title 5, United States Code, made available by reason of such amendments shall be payable for any period before October 1, 1979.

5 USC 8902 note.

(b) The amendments made by section 3 shall apply to services provided after December 31, 1979, and before January 1, 1985, under any contract entered into or renewed after December 31, 1979.

Approved January 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-499 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 96-503 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Oct. 22, considered and passed House.
  Dec. 20, considered and passed Senate, amended; House agreed to Senate amendments.

Public Law 96-180
96th Congress

An Act

To revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Jan. 2, 1980
[S. 440]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979.
42 USC 4541 note.

SECTION 1. (a) This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979".

(b) Whenever in this Act (other than in section 13) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

42 USC 4541 note.

SEC. 2. (a) Paragraphs (2) and (3) of section 2(a) (42 U.S.C. 4541(a)) are amended to read as follows:

"(2) approximately ten million, or 7 percent, of the adults in the United States are alcoholics or problem drinkers;

"(3) it is estimated that alcoholism and other alcohol related problems cost the United States over $43,000,000,000 annually in lost production, medical and public assistance expenditures, police and court costs, and motor vehicle and other accidents;".

(b) Section 2(a) is further amended—

(1) by striking out "; and" at the end of paragraph (6) and inserting in lieu thereof "and contributes to domestic violence;";

92 Stat. 3437.

(2) by redesignating paragraph (7) as paragraph (8) and amending it to read as follows:

"(8) alcoholism is an illness requiring treatment and rehabilitation through the assistance of a broad range of community health and social services and with the cooperation of law enforcement agencies, employers, employee associations, and associations of concerned individuals."; and

(3) by inserting after paragraph (6) the following paragraph:

"(7) alcohol abuse and alcoholism, together with abuse of other legal and illegal drugs, present a need for prevention and intervention programs designed to reach the general population and members of high risk populations such as youth, women, the elderly, and families of alcohol abusers and alcoholics; and".

(c) Section 2(b) is amended—

(1) by striking out "and" at the end of the paragraph (2);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, and abuse of other legal and illegal drugs;

"(4) the development and encouragement of effective occupational prevention and treatment programs within government and in cooperation with the private sector; and".

SEC. 3. Section 101 (42 U.S.C. 4551) is amended by adding at the end thereof the following new subsection:

Underserved areas, program development.

"(d)(1) The Director shall make special efforts to develop and coordinate prevention, treatment, research, and administrative policies and programs which focus on the needs of underserved populations.

Report to President and Congress.

"(2) The Secretary shall include in the annual report to the President and the Congress required by section 102(1) a description of the actions taken by the Director under paragraph (1).".

SEC. 4. (a) Section 102(1) (42 U.S.C. 4552(1)) is amended by inserting after "expenditures of funds," the following: "a description, prepared in consultation with the committee established under section 103, of the extent to which Federal programs and departments are concerned and dealing effectively with the problems of alcohol abuse and alcoholism,".

42 USC 4553.

(b) Section 102 is amended—

(1) by inserting "and" at the end of paragraph (3),

(2) by striking out "; and" at the end of paragraph (4) and inserting in lieu thereof a period, and

(3) by striking out paragraph (5) and the last sentence.

SEC. 5. Section 103(b)(1) (42 U.S.C. 4553(b)(1)) is amended by inserting ", the Department of the Treasury, the Department of Labor, the Department of Education" after "the Department of Defense".

SEC. 6. (a) Section 201(a) (42 U.S.C. 4561(a)) is amended—

(1) by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management";

5 USC 7101.

(2) by inserting "and in accordance with the provisions of subpart F of part III of title 5, United States Code," following "other Federal agencies and departments,"; and

(3) by inserting "Such agencies and departments are encouraged to extend, to the extent feasible, these programs and services to the families of alcoholic employees and to employees who have family members who are alcoholics." before the last sentence.

(b)(1) Section 201(b) is amended to read as follows:

"(b)(1) The Secretary, acting through the Institute, shall be responsible for fostering and encouraging similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry. To the extent feasible, such programs and services should be designed such that they apply to the families of employees and to employees who have family members who are alcoholics.

Model programs.

"(2)(A) Consistent with such responsibility, the Secretary, acting through the Institute, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities.

42 USC 4573.

"(B) The Secretary, acting through the Institute, shall disseminate information and materials relative to such model programs to single State agencies designated pursuant to section 303 of this Act, and shall, to the extent feasible, provide technical assistance to such agencies as requested.

Cooperative agreements.

"(3) Model programs developed under paragraph (2) shall, in the case of business concerns and governmental entities which employ individuals represented by labor organizations, be designed for implementation through cooperative agreements between the concerns and entities and the organizations.

"(4) To the extent feasible, model programs developed under paragraph (2) shall be capable of coordination with model programs developed pursuant to section 413(b) of the Drug Abuse Office and Treatment Act of 1972.".

21 USC 1180.

(2)(A) The heading for title II is amended by striking out "FEDERAL CIVILIAN EMPLOYEES" and inserting in lieu thereof "GOVERNMENT AND OTHER EMPLOYEES".

42 USC 4561.

(B) The heading for section 201 is amended by striking out "FEDERAL CIVILIAN EMPLOYEES" and inserting in lieu thereof "GOVERNMENT AND OTHER EMPLOYEES".

Sec. 7. Section 301 (42 U.S.C. 4571) is amended—

(1) by striking out "and" after "1978,", and

(2) by inserting after "1979," the following: "$60,000,000 for the fiscal year ending September 30, 1980, and $65,000,000 for the fiscal year ending September 30, 1981,".

Sec. 8. Section 302 (42 U.S.C. 4572) is amended by adding at the end the following new subsection:

Federal technical assistance.

42 USC 4581.

"(e) On the request of any State, the Secretary shall, to the extent feasible, make available technical assistance for the purposes of developing and improving systems for data collection; program management, accountability, and evaluation; certification, accreditation, or licensure of treatment facilities and personnel; monitoring compliance with the requirements of section 321 by hospitals and other facilities; and eliminating exclusions in health insurance coverage offered in the State which are based on alcoholism or alcohol abuse. Insofar as practicable, such technical assistance shall be provided in such a manner as to improve coordination between activities funded under this Act and under the Drug Abuse Office and Treatment Act of 1972.".

21 USC 1101 note.

Sec. 9. (a) Section 303(a) (42 U.S.C. 4573(a)) is amended—

(1) by inserting ", women, and the elderly" after "minority and poverty groups" in paragraph (3);

(2) by inserting ", by the elderly," after "by women" in paragraph (4)(B);

(3) by inserting before the semicolon at the end of paragraph (4) the following: "; and (C) provide assurances satisfactory to the Secretary that, insofar as practicable, the survey conducted pursuant to clause (A) is coordinated with and not duplicative of the drug abuse and dependence survey conducted pursuant to section 409 of the Drug Abuse Office and Treatment Act of 1972";

21 USC 1176.

(4) by inserting ", with State and local drug abuse planning agencies," after "alcoholism and alcohol abuse planning agencies" in paragraph (12); and

(5) by striking out "and" at the end of paragraph (15), by redesignating paragraph (16) as paragraph (17), and by inserting after paragraph (15) the following new paragraph:

State agency responsibilities.

"(16) provide assurance that the State agency—

"(A) will foster and encourage the development of alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private businesses and industry;

"(B) will make available to all business concerns and governmental entities within such State information and materials concerning such model programs suitable for replication on a cost-effective basis as are developed pursuant to section 201(b) of this Act; and

Ante, p. 1302.

"(C) will furnish technical assistance as feasible to such business concerns and governmental entities; and".

(b) Section 303(c) is amended by inserting after "implementation of its State plan" the following: "and a plan of action for the next three

Survey.

years. To the extent feasible the report shall include a survey of the extent to which other State programs and political subdivisions throughout the State are dealing effectively with the problems related to alcohol abuse and alcoholism.".

SEC. 10. Section 310(a) (42 U.S.C. 4576(a)) is amended by striking out "1979" and inserting in lieu thereof "1981".

SEC. 11. (a) Section 311(a) (42 U.S.C. 4577(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) to conduct demonstration and evaluation projects, with a high priority on prevention and early intervention projects in occupational and educational settings and on modified community living and work-care arrangements such as halfway houses, recovery homes, and supervised home care,";

(3) by striking out "conduct demonstration and evaluation projects, including projects designed to develop" in paragraph (2) (as so redesignated) and inserting in lieu thereof "support projects of a demonstrable value in developing"; and

(4) by striking out "female alcoholics, and individuals in geographic areas where such services are not otherwise adequately available" in paragraph (3) (as so redesignated) and inserting in lieu thereof "the elderly, women, the handicapped, families of alcoholics, and victims of alcohol-related domestic violence".

(b) Section 311(b) is amended (1) by redesignating clauses (1), (2), and (3) as clauses (2), (3), and (4), respectively, and by inserting after "under this section shall" the following: "(1) be responsive to special requirements of handicapped individuals in receiving such services;", and (2) by inserting in clause (2) (as so redesignated) the following: "(in the case of prevention and treatment services)" after "seek".

(c) Paragraph (4) of section 311(c) is amended to read as follows:

Program and project applications.

"(4) The Secretary shall encourage the submission of and give special consideration to applications under this section for programs and projects—

"(A) for the prevention and treatment of alcohol abuse and alcoholism by women,

"(B) for the prevention and treatment of alcohol abuse and alcoholism by the elderly,

"(C) for the prevention and treatment of alcohol abuse and alcoholism by individuals under the age of eighteen.".

SEC. 12. Section 312 (42 U.S.C. 4578) is amended—

(1) by striking out "and" after "1978,", and

(2) by striking out the period and inserting in lieu thereof a comma and the following: "$102,500,000 for the fiscal year ending September 30, 1980, and $115,000,000 for the fiscal year ending September 30, 1981. Of the funds appropriated under this section for the fiscal year ending September 30, 1980, at least 8 percent of the funds shall be obligated for grants for projects, programs, and services to prevent (through outreach, intervention, and education) the occurrence of alcoholism and alcohol abuse; and of the funds appropriated under this section for the next fiscal year at least 10 percent of the funds shall be obligated for such grants.".

SEC. 13. Section 217(a) of the Public Health Service Act (42 U.S.C. 218(a)) is amended by inserting after the fourth sentence the following: "Appointed members may serve after the expiration of their terms until their successors have taken office.".

SEC. 14. (a) Section 501(a) (42 U.S.C. 4591(a)) is amended to read as follows:

42 USC 4585.

"(a) The Secretary, acting through the Institute, shall carry out a program of research, investigations, experiments, demonstrations, and studies, directly and by grant or contract, into—

Research programs.

"(1) the social, behavioral, and biomedical etiology,

"(2) prevention,

"(3) treatment,

"(4) mental and physical health consequences,

"(5) social and economic consequences, and

"(6) the impact on families,

of alcohol abuse and alcoholism.".

(b) Section 501(b) is amended—

(1) in paragraph (3), by inserting before the semicolon the following: "and such Council shall give special consideration to projects relating to the relationship between alcohol abuse and domestic violence, the effects of alcohol use during pregnancy, the relationship between the abuse of alcohol and other drugs, and the effect on the incidence of alcohol abuse and alcoholism of social pressures, legal requirements respecting the use of alcoholic beverages, the cost of such beverages, and the economic status and education of users of such beverages";

(2) in paragraph (5)—

(A) by inserting "the National Institute of Drug Abuse and by" following "similar programs conducted by"; and

(B) by inserting "departments," before "agencies";

(3) in paragraph (6), by striking out "biomedical and behavioral" and inserting in lieu thereof "biomedical, behavioral, epidemiological, and social"; and

(4) in paragraph (8), by inserting "and other scientific research" following "statistical".

SEC. 15. Section 503 (42 U.S.C. 4587) is amended—

(1) by striking out "and" after "1978,", and

(2) by inserting before the period a comma and the following: "$28,000,000 for the fiscal year ending September 30, 1980, and $28,000,000 for the fiscal year ending September 30, 1981".

SEC. 16. (a) Section 504(a) (42 U.S.C. 4588(a)) is amended—

(1) by striking out "alcohol problems" in the first sentence and inserting in lieu thereof "biomedical, behavioral, and social issues related to alcoholism and alcohol abuse";

(2) in paragraph (1)(B), by striking out "laboratory facilities and reference services (including reference services that will afford access to scientific alcohol literature)" and inserting in lieu thereof "facilities (including laboratory, reference, and data analysis facilities) to carry out the research plan contained in the application";

(3) in paragraph (1)(D), by striking out "and' at the end thereof;

(4) in paragraph (1)(E), by striking out "medical and osteopathic students and physicians;" and inserting in lieu thereof "medical and osteopathic, nursing, social work, and other specialized graduate students; and"; and

(5) by inserting after paragraph (1)(E) the following:

"(F) the applicant has the capacity to conduct programs of continuing education in such medical, legal, and social service fields as the Secretary may require.".

42 USC 4588.

(b) Section 504(b) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

(c) Section 504(c) is amended by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1980, and $9,000,000 for the fiscal year ending September 30, 1981".

SEC. 17. Title VI is amended by adding at the end the following new section:

Contract authority. 42 USC 4594.

"SEC. 604. The authority of the Secretary to enter into contracts under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.".

National Commission on Alcoholism and Other Alcohol-Related Problems, establishment. 42 USC 4541 note.

SEC. 18. (a)(1) There is established a Commission to be known as the National Commission on Alcoholism and Other Alcohol-Related Problems (hereinafter in this section referred to as the "Commission"). The Commission shall be composed of—

(A) four Members of the Senate appointed by the President of the Senate upon the recommendation of the majority and minority leaders;

(B) four Members of the House of Representatives appointed by the Speaker of the House of Representatives upon the recommendation of the majority and minority leaders;

(C) nine public members appointed by the President; and

(D) not more than four nonvoting members appointed by the President from individuals employed in the administration of programs of the Federal Government which affect the prevention and treatment of alcoholism and the rehabilitation of alcoholics and alcohol abusers.

At no time shall more than two members appointed under subparagraph (A), more that two of the members appointed under subparagraph (B), or more than five of the members appointed under subparagraph (C) be members of the same political party.

Quorum.

(2)(A) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Nine members of the Commission shall constitute a quorum, but a lesser number may conduct hearings. Members appointed under paragraph (1)(D) shall not be considered in determining a quorum of the Commission.

(B) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission.

(C) The Commission shall meet at the call of the Chairman or at the call of the majority of the members thereof.

(3)(A) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an executive secretary to assist the Commission in carrying out its functions.

(B) The Secretary shall provide the Commission with such additional professional and clerical staff, such information, and the services of such consultants as the Secretary determines necessary for the Commission to carry out effectively its functions.

(C) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission consistent with applicable laws and regulations with respect to the privacy of medical records.

Study.

(b) The Commission shall conduct a study of alcoholism and alcohol-related problems and shall include in the study—

(1) an assessment of unmet treatment and rehabilitation needs of alcoholics and their families;

(2) an assessment of personnel needs in the fields of research, treatment, rehabilitation, and prevention;

(3) an assessment of the integration and financing of alcoholism treatment and rehabilitation into health and social health care services within communities;

(4) a study of the relationship of alcohol use to aggressive behavior and crime;

(5) a study of the relationship of alcohol use to family violence;

(6) a study of the relationship of alcoholism to illnesses, particularly those illnesses with a high stress component, among family members of alcoholics;

(7) an evaluation of the effectiveness of prevention programs, including the relevance of alcohol control laws and regulations to alcoholism and alcohol-related problems;

(8) a survey of the unmet research needs in the area of alcoholism and alcohol-related problems;

(9) a survey of the prevalence of occupational alcoholism and alcohol abuse programs offered by Federal contractors; and

(10) an evaluation of the needs of special and underserved population groups, including American Indians, Alaskan Natives, youth, the elderly, women, and the handicapped and assess the adequacy of existing services to fulfill such needs.

Reports to President and Congress.

(c) The Commission shall submit to the President and the Congress such interim reports as it deems advisable and shall within two years after the date on which funds first become available to carry out this section submit to the President and the Congress a final report which shall contain a detailed statement of its findings and conclusions and also such recommendations for legislation and administrative actions as it deems appropriate. The Commission shall cease to exist sixty days after the final report is submitted under this subsection.

(d) The Secretary of Health, Education, and Welfare shall be responsible for the coordination of the activities of the Commission.

Appropriation authorization.

(e) There are authorized to be appropriated for the purposes of this section $1,000,000 to remain available until the expiration of the Commission.

SEC. 19. Title III is amended by adding at the end the following:

"PART D—REPORT

"REPORT

Submittal to President and Congress.
42 USC 4552 note.

"SEC. 334. (a) Not later than June 1, 1980, the Secretary of Health, Education, and Welfare, acting through the Assistant Secretary for Health, and the Secretary of the Treasury, acting through the Assistant Secretary for Enforcement and Operations, shall jointly report to the President and the Congress—

"(1) the extent and nature of birth defects associated with alcohol consumption by pregnant women,

"(2) the extent and nature of other health hazards associated with alcoholic beverages, and

27 USC 201.
21 USC 301.

"(3) the actions which should be taken by the Federal Government under the Federal Alcohol Administration Act and the Federal Food, Drug, and Cosmetic Act with respect to informing the general public of such health hazards.

"(b) Subsection (a) shall not be construed to limit the authority of the Attorney General, the Secretary of the Treasury, or the Secretary of Health, Education, and Welfare under the Federal Alcohol Administration Act or the Federal Food, Drug, and Cosmetic Act.". 27 USC 201. 21 USC 301.

Approved January 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-193 accompanying H.R. 3916 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-103 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- May 7, considered and passed Senate.
- Oct. 16, H.R. 3916 considered and passed House; passage vacated and S. 440, amended, passed in lieu.
- Dec. 19, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.

Public Law 96-181
96th Congress

An Act

To amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes.

Jan. 2, 1980
[S. 525]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979.
21 USC 1101 note.

SECTION 1. (a) This Act may be cited as the "Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979".

(b) Whenever in this Act (other than in sections 14 and 15) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Drug Abuse Office and Treatment Act of 1972.

21 USC 1101 note.
Congressional findings.

SEC. 2. Section 101 (21 U.S.C. 1101) is amended by inserting at the end thereof the following new paragraphs:

"(11) Shifts in the usage of various drugs and in the Nation's demographic composition require a Federal strategy to adjust the focus of drug abuse programs to meet new needs and priorities on a cost-effective basis.

"(12) The growing extent of drug abuse indicates an urgent need for prevention and intervention programs designed to reach the general population and members of high risk populations such as youth, women, and the elderly.

"(13) Effective control of drug abuse requires high-level coordination of Federal international and domestic activities relating to both supply of, and demand for, commonly abused drugs.

"(14) Local governments with high concentrations of drug abuse should be actively involved in the planning and coordination of efforts to combat drug abuse.".

Declaration of national policy.

SEC 3. Section 102 (21 U.S.C. 1102) is amended by adding at the end thereof the following: "To reach these goals, the Congress further declares that it is the policy of the United States and the purpose of this Act to meet the problems of drug abuse through—

"(1) comprehensive Federal, State, and local planning for, and effective use of, Federal assistance to States and to community-based programs to meet the urgent needs of special populations, in coordination with all other governmental and nongovernmental sources of assistance;

"(2) the development and support of community-based prevention programs;

"(3) the development and encouragement of effective occupational prevention and treatment programs within the Government and in cooperation with the private sector; and

"(4) increased Federal commitment to research into the behavioral and biomedical etiology of, the treatment of, and the mental and physical health and social and economic consequences of, drug abuse.".

SEC. 4. Title II (21 U.S.C. 1111-1133) is amended to read as follows:

"TITLE II—DRUG ABUSE POLICY COORDINATION

"Sec.
"201. Concentration of Federal effort.
"202. Designated drug representative.
"203. Officers and employees.
"204. Acceptance of uncompensated services.
"205. Notice relating to the control of dangerous drugs.
"206. Statutory authority unaffected.
"207. Annual report.

21 USC 1111.

"§ 201. Concentration of Federal effort.

"(a) The President shall establish a system for developing recommendations with respect to policies for, objectives of, and establishment of priorities for, Federal drug abuse functions and shall coordinate the performance of such functions by Federal departments and agencies. Recommendations under this subsection shall include recommendations for changes in the organization, management, and personnel of Federal departments and agencies performing drug abuse functions in order to implement the policies, priorities, and objectives recommended under this subsection.

"(b) To carry out subsection (a), the President, shall—

"(1) review the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of drug abuse functions;

"(2) conduct, or provide for, evaluations of (A) the performance of drug abuse functions by Federal departments and agencies, and (B) the results achieved by such departments and agencies in the performance of such functions; and

"(3) seek to assure that Federal departments and agencies, in the performance of drug abuse functions, construe drug abuse as a health problem requiring treatment and rehabilitation through a broad range of community health and social services.

Reports, submittal to President.

"(c) Federal departments and agencies engaged in drug abuse functions shall submit to the President such information and reports as may reasonably be required to carry out the purposes of this title.

21 USC 1112.

"§ 202. Designated drug representative.

Congressional access.

"(a) The President shall designate a single officer or employee of the United States to direct the activities required by this title. The location of such designee in the Executive Office of the President or elsewhere shall not be construed as affecting access by the Congress or committees of either House (1) to information, documents, and studies in the possession of, or conducted by or at the direction of, such designee, or (2) to personnel involved in carrying out activities under this title.

"(b) The President may direct the officer or employee designated under subsection (a) of this section to represent the Government of the United States in discussions and negotiations relating to drug abuse functions.

21 USC 1113.

"§ 203. Officers and employees.

"In carrying out this title, the President may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him by this title.

21 USC 1114.

"§ 204. Acceptance of uncompensated services.

"In carrying out this title, the President is authorized to accept and employ in furtherance of the purpose of this title voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"§ 205. Notice relating to the control of dangerous drugs.

21 USC 1115.

"Whenever the Attorney General determines that there is evidence that—

"(1) a drug or other substance, which is not a controlled substance (as defined in section 102(6) of the Controlled Substances Act), has a potential for abuse, or

21 USC 802.

"(2) a controlled substance should be transferred or removed from a schedule under section 202 of such Act,

21 USC 812.

he shall, prior to initiating any proceeding under section 201(a) of such Act, give the President timely notice of such determination. Information forwarded to the Attorney General pursuant to section 201(f) of such Act shall also be forwarded by the Secretary of Health, Education, and Welfare to the President.

21 USC 811.

"§ 206. Statutory authority unaffected.

21 USC 1116.

"Nothing in this title shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces or the authority of the Administrator of Veterans' Affairs with respect to the furnishing of health care and related services to veterans.

"§ 207. Annual report.

21 USC 1117.

"The President shall submit to the Congress, prior to March 1 of each year, a written report on the activities conducted under this title. The report shall specify the objectives, nature, and results of such activities, and shall contain an accounting of funds expended under this title.".

Strategy Council.

Ante, p. 1310.

SEC. 5. (a) Section 302 (21 U.S.C. 1162) is amended by striking out "Director of the Office of Drug Abuse Policy" and inserting in lieu thereof "representative designated under section 202 of this Act".

(b) Section 302 is further amended by striking out "three members from outside the Federal Government." and inserting in lieu thereof "five members from outside the Federal Government, at least one of whom shall be a representative of State government who is responsible for dealing with drug abuse problems and one of whom shall be a representative of local government who is responsible for dealing with such problems.".

(c) Section 304 (21 U.S.C. 1164) is amended by striking out "Director of the Office of Drug Abuse Policy" and inserting in lieu thereof "President".

Formula grants.

SEC. 6. (a) The first sentence of section 409(a) (21 U.S.C. 1176(a)) is amended (1) by striking out "and" after "1978,", and (2) by inserting after "1979," the following: "September 30, 1980, and September 30, 1981,".

(b) Section 409(e) is amended—

(1) by inserting "(including women and the elderly)" after "population groups" in paragraph (3);

(2) by amending paragraph (4) to read as follows:

"(4) describe the drug abuse prevention functions to be carried out under the plan with assistance under this section, set forth in detail the changes in emphasis among such functions resulting from shifts in demographic and drug abuse patterns within the State, and describe all other drug abuse prevention functions to be carried out within the State with assistance under this Act;";

(3) by inserting ", by the elderly," after "by women" in clause (B) of paragraph (5), by striking out "and (B)" in paragraph (5) and inserting in lieu thereof "(B)", and by inserting before the semicolon at the end of paragraph (5) the following: "; and (C) provide assurances satisfactory to the Secretary that, insofar as practicable, the survey conducted pursuant to clause (A) is coordinated with and not duplicative of the alcohol abuse and alcoholism survey conducted pursuant to section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970"; 42 USC 4573.

(4) by inserting "(A)" after "in the State" in paragraph (7) and by inserting before the semicolon in paragraph (7) the following: ", (B) to review and comment on the plan prior to its submission to the Secretary, and (C) to submit to the Secretary as an appendix to the plan such comments as such political subdivisions believe are relevant to approval of the plan under subsection (f)";

(5) by inserting "and to the extent feasible a survey of the extent to which other State programs and political subdivisions throughout the State are dealing effectively with the problems related to drug abuse and drug dependence," after "under the plan," in paragraph (10); and

(6) by striking out "and" at the end of paragraph (12), by redesignating paragraph (13) as paragraph (17), and by inserting after paragraph (12) the following new paragraphs:

"(13) contain, to the extent feasible, a complete inventory of all public and private resources available in the State for the purpose of drug abuse and drug dependence treatment, prevention, and rehabilitation, including programs funded under State and local laws, occupational programs, voluntary organizations, education programs, military and Veterans' Administration resources, and available public and private third-party payment plans;

"(14) provide assurance that the State agency will coordinate its planning with local drug abuse planning agencies, with State and local alcoholism and alcohol abuse planning agencies, and with other State and local health planning agencies;

"(15) provide assurance that the State agency—

"(A) will foster and encourage the development of drug abuse and drug dependence prevention, treatment, and rehabilitation programs and services in State and local governments and in private businesses and industry;

"(B) will make available to all business concerns and governmental entities within such State information and materials concerning such model programs suitable for replication on a cost-effective basis as are developed pursuant to section 413(b)(2) of this Act; and *Post*, p. 1314.

"(C) will furnish technical assistance as feasible to such business concerns and governmental entities;

"(16) include a needs assessment of the severity of drug abuse problems within urban and nonurban areas of the State, an accounting of the existing and proposed allocation of resources among such areas, and a description of the role of units of general purpose local government in planning and coordinating the use of such resources; and".

Special project grants and contracts.

SEC. 7. (a) Section 410(a) (21 U.S.C. 1177(a)) is amended—

(1) by inserting the following after "development" in paragraph (1): ", demonstration, and evaluation";

(2) by inserting "and detoxification" before "techniques" in paragraph (5); and

(3) by inserting before the period in paragraph (6) the following: ", with particular emphasis on replicating effective prevention and treatment programs".

21 USC 1177.
Appropriation authorizations.

(b) Section 410(b) is amended by adding at the end the following: "For grants and contracts under paragraphs (3) and (6) of subsection (a) for drug abuse treatment programs there is authorized to be appropriated $149,000,000 for the fiscal year ending September 30, 1980, and $155,000,000 for the fiscal year ending September 30, 1981; and for grants and contracts under such subsection for other programs and activities there is authorized to be appropriated $20,000,000 for the fiscal year ending September 30, 1980, and $30,000,000 for the fiscal year ending September 30, 1981. Of the funds appropriated under the preceding sentence for the fiscal year ending September 30, 1980, at least 7 percent of the funds shall be obligated for grants and contracts for primary prevention and intervention programs designed to discourage individuals, particularly those in high risk populations, from abusing drugs; and of the funds appropriated under the preceding sentence for the next fiscal year, at least 10 percent of the funds shall be obligated for such grants and contracts.".

(c) Subsection (d) of section 410 is amended to read as follows:

"(d) The Secretary shall encourage the submission of and give special consideration to applications under this section for programs and projects—

"(1) for the prevention and treatment of drug abuse and drug dependence by women,

"(2) for the prevention and treatment of drug abuse and drug dependence by the elderly, and

"(3) for the prevention and treatment of drug abuse and drug dependence by individuals under the age of 18.".

(d) Section 410 is amended by adding at the end the following new subsection:

Handicapped persons.

Persons of limited English-speaking ability.

"(f) Projects and programs for which grants and contracts are made or entered into under this section shall, in the case of prevention and treatment services, seek to (1) be responsive to special requirements of handicapped individuals in receiving such services; (2) whenever possible, be community based, insure care of good quality in general community care facilities and under health insurance plans, and be integrated with, and provide for the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals; (3) where a substantial number of the individuals in the population served by the project or program are of limited English-speaking ability (A) utilize the services of outreach workers fluent in the language spoken by a predominant number of such individuals and develop a plan and make arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (B) identify an individual who is fluent both in that language and English and whose responsibilities shall include providing guidance to the individuals of limited English-speaking ability and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences; and (4) where appropriate, utilize existing community resources (including community mental health centers).".

Drug abuse among employees.

SEC. 8. (a) Section 413(a) (21 U.S.C. 1180(a)) is amended—

(1) by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management";

(2) by striking out "Director" and inserting in lieu thereof "President, with the Secretary (acting through the National Institute on Drug Abuse),";

(3) by inserting "and in accordance with the provisions of subpart F of part III of title 5, United States Code," after "other Federal agencies and departments"; and

5 USC 7101.

(4) by inserting "Such agencies and departments are encouraged to extend, to the extent feasible, these programs and services to the families of employees and to employees who have family members who are drug abusers." before the last sentence.

21 USC 1180.

(b)(1) Section 413(b) is amended to read as follows:

"(b)(1) The Secretary, acting through the National Institute on Drug Abuse, shall be responsible for fostering and encouraging similar drug abuse prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

Model programs.

"(2)(A) Consistent with such responsibility, the Secretary, acting through the National Institute on Drug Abuse, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities.

"(B) The Secretary, acting through the Institute, shall disseminate information and materials relative to such model programs to single State agencies designated pursuant to section 409(e)(1) of this Act, and, shall to the extent feasible, provide technical assistance to such agencies as requested.

21 USC 1176.

"(3) Model programs developed under paragraph (2) shall, in the case of business concerns and governmental entities which employ individuals represented by labor organizations, be designed for implementation through cooperative agreements between the concerns and entities and the organizations.

"(4) To the extent feasible, model programs developed under paragraph (2) shall be capable of coordination with model programs developed pursuant to section 201(b) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.".

Ante, p. 1302.

(2)(A) The heading for section 413 is amended by striking out "Federal civilian employees" and inserting in lieu thereof "government and other employees".

(B) The item in the table of sections for title IV relating to section 413 is amended by striking out "Federal civilian employees" and inserting in lieu thereof "government and other employees".

SEC. 9. (a) Title IV is amended by adding at the end the following new section:

21 USC 1181.

"§ 414. Contract authority.

"The authority of the Secretary to enter into contracts under this title and title V shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.".

(b) The table of sections of such title IV is amended by adding at the end the following new item:

"414. Contract authority.".

National Institute on Drug Abuse, administration of programs.

SEC. 10. Section 501 (21 U.S.C. 1191) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Director shall make special efforts to develop and coordinate prevention, treatment, research, and administrative policies and programs which focus on the needs of underserved populations.

Report to President and Congress.

"(2) The Secretary shall include in the annual report to the President and the Congress required by section 405(b) a description of the actions taken by the Director under paragraph (1).".

21 USC 1172.

SEC. 11. Section 502 (21 U.S.C. 1192) is amended by inserting at the end thereof the following new subsection:

Technical assistance.

"(d) On the request of any State, the Secretary shall, to the extent feasible, make available technical assistance for the purposes of developing and improving systems for data collection; program management, accountability, and evaluation; certification, accreditation, or licensure of treatment facilities and personnel; monitoring compliance with the requirements of section 407 by hospitals and other facilities; and eliminating exclusions in health insurance coverage offered in the State which are based on drug abuse or drug dependence. Insofar as practicable, such technical assistance shall be provided in such a manner as to improve coordination between activities funded under this Act and under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.".

21 USC 1174.

42 USC 4541 note.

Research and development.

SEC. 12. (a) Section 503(a) (21 U.S.C. 1193(a)) is amended—

(1) by striking out "to create, develop, and test" and inserting in lieu thereof the following: ", investigations, experiments, demonstrations, and studies, into";

(2) by inserting "the creation, development, and testing of" after "(1)", "(2)", and "(3)", respectively; and

(3) by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and by inserting after paragraph (3) the following new paragraph;

"(4) the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of drug abuse and drug dependence.".

(b) Section 503 is amended (1) by striking out "(a)", and (2) by striking out subsection (b).

Report to congressional committees. 21 USC 1193 note.

SEC. 13. Within sixty days of the date of the enactment of this Act, the Director of the National Institute on Drug Abuse shall report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

(1) the number of grants and contracts made or entered into by the Director before such date of enactment for research which was not completed before July 1, 1979,

(2) the identity of the persons who received such grants and contracts,

(3) the amount of funds authorized to be paid under each such grant and contract and the amount of funds expended by the recipient of each such grant and contract by such date of enactment,

(4) the purpose of the research project funded under each such grant and contract, and

(5) the progress made in each such research project by such date of enactment.

National advisory councils.

SEC. 14. Section 217(e)(1) of the Public Health Service Act (42 U.S.C. 218(e)(1)) is amended—

(1) by inserting the following before the period in the third sentence: ", including officers or employees of State and local drug abuse agencies"; and

(2) by inserting at the end thereof the following new sentence: "Appointed members may serve after the expiration of their terms until their successors have taken office.".

21 USC 1101 note.

SEC. 15. (a) Section 1 is amended by striking out "Drug Abuse Office and Treatment Act of 1972" and inserting in lieu thereof "Drug Abuse Prevention, Treatment, and Rehabilitation Act".

42 USC 300*l*-2.
Ante, p. 621.

(b) Sections 1513(e)(1) and 1524(c)(6) of the Public Health Service Act (42 U.S.C. 300l-2(e)(1), 300m-3(c)(6)) and section 303(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3733(a)(18)) are each amended by striking out "Drug Abuse Office and Treatment Act of 1972" and inserting in lieu thereof "Drug Abuse Prevention, Treatment, and Rehabilitation Act". Whenever reference is made in any other Federal law, regulation, ruling, or order to the Drug Abuse Office and Treatment Act of 1972, the reference shall be considered to be made to the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

Approved January 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-193 accompanying H.R. 3916 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-104 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 7, considered and passed Senate.
Oct. 16, H.R. 3916 considered and passed House; passage vacated and S. 525, amended, passed in lieu.
Dec. 19, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.

Public Law 96-182
96th Congress

An Act

To amend the Water Bank Act for the purposes of authorizing the Secretary of Agriculture to adjust payment rates with respect to initial conservation agreements and to designate certain areas as wetlands, and for other purposes.

Jan. 2, 1980
[H.R. 2043]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 3 of the Water Bank Act (16 U.S.C. 1302) is amended to read as follows: "The Secretary shall, beginning in 1980, reexamine the payment rates at the beginning of the fifth year of any such ten-year initial or renewal period and before the beginning of any renewal period, in the light of the then current land and crop values, and make needed adjustments in rates for any such initial or renewal period as provided in section 5 of this Act. In addition, the Secretary shall, beginning in 1980, reexamine the payment rates in any agreement that has been in effect for five years or more in the light of current land and crop values and make any needed adjustments in rates.".

Water Bank Act, amendment.

16 USC 1304.

SEC. 2. The fourth sentence of section 3 of the Water Bank Act (16 U.S.C. 1302) is amended to read as follows: "As used in this Act, the term 'wetlands' means (1) the inland fresh areas described as types 1 through 7 in Circular 39, Wetlands of the United States, published by the United States Department of the Interior (or the inland fresh areas corresponding to such types in any successor wetland classification system developed by the Department of the Interior), (2) artificially developed inland fresh areas that meet the description of the inland fresh areas described in clause (1) of this sentence, and (3) such other wetland types as the Secretary may designate.".

"Wetlands."

SEC. 3. Section 5 of the Water Bank Act (16 U.S.C. 1304) is amended by adding at the end thereof a new sentence as follows: "The rates of annual payment shall be adjusted, to the extent provided for in advance by appropriation Acts, in accordance with section 3 of the Act.".

SEC. 4. Section 11 of the Water Bank Act (16 U.S.C. 1310) is amended by—

(1) inserting after "program," in the second sentence the following: "in each fiscal year through the fiscal year ending September 30, 1980,"; and

(2) adding at the end thereof two new sentences as follows: "In carrying out the program, in each fiscal year after the fiscal year ending September 30, 1980, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of $30,000,000. Not more than 15 percent of the funds authorized to be appropriated in any fiscal year after the fiscal year ending September 30, 1980, may be used for agreements entered into with owners or operators in any one State.".

Approved January 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-171 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-449 accompanying S. 837 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 125 (1979):
- July 9, considered and passed House.
- Dec. 18, S. 837 considered in Senate; H.R. 2043 considered and passed Senate, amended, in lieu of S. 837.
- Dec. 20, House agreed to Senate amendment.

Public Law 96-183
96th Congress

Joint Resolution

Making an urgent appropriation for administrative expenses of the Chrysler Corporation loan guarantee program, and to provide financial assistance to the Chrysler Corporation for the fiscal year ending September 30, 1980.

Jan. 2, 1980
[H.J. Res. 467]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1980:

Chrysler Corporation, administrative expenses.

DEPARTMENT OF THE TREASURY

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

For necessary administrative expenses as authorized by the Chrysler Corporation Loan Guarantee Act of 1979, $1,518,000. Total loan commitments and loan guarantees may be extended in the amount of $1,500,000,000 of contingent liability for loan principal and for such additional sums as may be necessary for interest payments, and commitment is hereby made to make such appropriations as may become necessary to carry out such loan guarantees.

Approved January 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-719 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 20, considered and passed House and Senate.

Public Law 96-184
96th Congress

An Act

Jan. 3, 1980
[H.R. 3951]

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the cost of construction of the rapid transit system of the National Capital Region, to provide an orderly method for the retirement of bonds issued by the Washington Metropolitan Area Transit Authority, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Capital Transportation Amendments of 1979.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Capital Transportation Amendments of 1979".

AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTIONS FOR CONSTRUCTION OF THE ADOPTED REGIONAL SYSTEM AND OTHER PURPOSES

SEC. 2. The National Capital Transportation Act of 1969 (83 Stat. 320, 86 Stat. 464–466, 1004), as amended (D.C. Code, sec. 1-1441 et seq.) is amended by adding at the end thereof the following new sections:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTIONS FOR CONSTRUCTION

D.C. Code 1-1442.

"SEC. 14. (a) The Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized by section 3 of this Act, for the purpose of financing in part the cost of construction of the Adopted Regional System.

Post, p. 1322.

"(b) Federal grants under subsection (a) for the Adopted Regional System shall be subject to section 16 and to the following limitations and conditions:

"(1) The work for which such grants are authorized shall be subject to the provisions of the Compact and shall be for projects included in the Adopted Regional System.

Local matching grants.

"(2) The aggregate amount of such Federal grants made during any fiscal year shall be matched by the local participating governments by payment of capital contributions for such year in a total amount that is not less than 25 per centum of the amount of such Federal grants and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or revenues available in cash, or new capital.

"(3) Such grants shall be subject to terms and conditions that the Secretary may deem appropriate for constructing the Adopted Regional System in a cost-effective manner.

Appropriation authorization.

"(c) There is authorized to be appropriated to the Secretary of Transportation for the purpose of making grants under subsection (a) an aggregate amount not to exceed $1,700,000,000, except that no appropriation pursuant to this authorization shall be enacted for any fiscal year prior to fiscal year 1982.

"(d) Amounts appropriated pursuant to the authorization under subsection (c)—

"(1) shall remain available until expended, if so provided in appropriation Acts; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under the Urban Mass Transportation Act of 1964, as amended, and section 103(e)(4) of title 23, United States Code.

49 USC 1601 note.

"PAYMENT OF BONDS

"SEC. 15. (a)(1) The Transit Authority shall maintain a sinking fund to be used for the accumulation of assets for payment of principal on bonds issued by the Transit Authority and guaranteed by the Secretary as provided in section 9. The fund shall be administered in accordance with the provisions of the Compact providing for funds established by the Transit Authority, and moneys in the fund may be invested by the Transit Authority in accordance with the Compact and with the Agreement.

D.C. Code 1-1446.

"(2) The Transit Authority shall use assets of the fund to pay the principal paid or to be paid after October 1, 1979, on bonds issued by the Transit Authority.

"(3)(A) Subject to the conditions of the Agreement, the Secretary of Transportation is authorized to make contributions to the Transit Authority, or its fiscal agent, in amounts sufficient to provide for the payment of two-thirds of the principal paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(B) There are authorized to be appropriated beginning in fiscal year 1981 such sums as are necessary to carry out the requirements of subparagraph (A) of this paragraph.

Appropriation authorization.

"(4) Subject to the conditions of the Agreement, the local participating governments shall make payments to the Transit Authority in amounts sufficient to allow the Transit Authority to make contributions to the fund established pursuant to subsection (a)(1) in amounts sufficient to provide for the payment of one-third of the principal paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(b)(1) The Transit Authority shall maintain a Bond Interest Fund to be used for the accumulation of assets for the timely payment of interest on bonds issued by the Transit Authority and guaranteed by the Secretary as provided in section 9. The fund shall be administered in accordance with the provisions of the Compact providing for funds established by the Transit Authority, and moneys in the fund may be invested by the Transit Authority in accordance with the Compact and with the Agreement.

Bond Interest Fund.

"(2)(A) Subject to the conditions of the Agreement, the Secretary of Transportation is authorized to make contributions to the Transit Authority or its fiscal agent, in amounts sufficient to provide for the payment of two-thirds of the total amount of interest paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(B) There are authorized to be appropriated beginning in fiscal year 1981 such sums as are necessary to carry out the provisions of subparagraph (A) of this paragraph.

Appropriation authorization.

Accelerated interest payments.

"(3) With respect to interest payments due prior to July 3, 1983, the Secretary of Transportation, if requested by the Transit Authority, may make accelerated interest payments in amounts sufficient to provide for the payment, as any payment becomes due, of not more than an additional 18⅓ per centum of the interest due on such bonds at the time of such payment, so long as the total amount of contributions by the Secretary under this subsection does not exceed the amount specified in paragraph (2). Unless otherwise provided in amendments to the Agreement, any accelerated payments made shall bear interest from the date of accelerated payment until liquidation at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding United States marketable obligations which have maturities comparable to the period of time between the time of accelerated payment and the time of liquidation.

"(4) Subject to the conditions of the Agreement, the local participating governments shall make payments to the Transit Authority in amounts sufficient to allow the Transit Authority to make contributions to the fund established pursuant to subsection (b)(1) in amounts sufficient to provide for the payment of one-third of the interest paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in section 9.

"(5) If as a result of the retirement of the principal of such bonds (or of any portion of such principal) before maturity the total amount of contributions by the Secretary of Transportation after June 30, 1979, for payment of interest on such bonds is at any time in excess of two-thirds of the net present value of the total amount of interest paid or to be paid on such bonds after such date, the Transit Authority shall pay to the Secretary the difference between the total amount contributed by the Secretary and two-thirds of the net present value of the total amount of interest paid or to be paid on such bonds after such date.

"REQUIREMENT THAT LOCAL PARTICIPATING GOVERNMENTS HAVE A STABLE AND RELIABLE SOURCE OF REVENUE FOR CONTRIBUTIONS FOR BOND EXPENSES AND FOR OPERATING EXPENSES

Ante, p. 1320.

Ante, p. 1321.

"SEC. 16. (a) The Secretary of Transportation shall not make any grant under section 14(a) for the cost of construction of the Adopted Regional System, until the Secretary has determined that the local participating governments, or signatories (as defined in subparagraph (d) of paragraph 1 of article I of title III of the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; D.C. Code, sec. 1-1431)) to the Compact, have provided a stable and reliable source of revenue sufficient to meet both (1) their payments to the Transit Authority under subsections (a)(4) and (b)(4) of section 15, relating to payment of the principal and interest on bonds issued by the Transit Authority, and (2) that part of the cost of operating and maintaining the Adopted Regional System that is in excess of revenues received by the Transit Authority from the operation of the system and any amount to be contributed for operating expenses by the Secretary of Transportation under any other provision of law.

"(b) The Transit Authority, in consultation with each governmental entity that is a local participating government or signatory to the Compact as referred to in subsection (a) of this section, for the purposes of this Act, shall submit a program to the Secretary of Transportation on or before September 30, 1980, showing how each such governmental entity will have in place on or before August 15, 1982, a stable and reliable source of revenue to provide for its contributions (1) for payments to the Washington Metropolitan Area Transit Authority for the payment of principal and interest on bonds issued by the Transit Authority, and (2) for the cost of operating and maintaining the Adopted Regional System of the Washington Metropolitan Area Transit Authority."

SEC. 3. (a) Section 2 of the National Capital Transportation Act of 1969 (83 Stat. 320), as amended (D.C. Code, sec. 1-1441), is amended by adding at the end thereof the following:

"Agreement."

"(4) The term 'Agreement' means the Initial Bond Repayment Participation Agreement executed by the Transit Authority and the United States Department of Transportation on September 18, 1979, and amendments thereto, including the Supplemental Agreement described in section 302 of the Initial Bond Repayment Participation Agreement.

"Local participating governments."

"(5) The term 'local participating governments' means those governments which comprise the Washington Metropolitan Transit Zone, as defined by paragraph 3 of article III of title III of the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; D.C. Code, sec. 1-1431).".

(b) Section 9(d) of the National Capital Transportation Act of 1969 (83 Stat. 320, 86 Stat. 464, 465), as amended (D.C. Code, sec. 1-1446), is amended by deleting "issued after the date of the enactment of this section" and inserting in lieu thereof "guaranteed by the Secretary under the provisions of this section".

Repeal.

(c) Section 10 of the National Capital Transportation Act of 1969 (83 Stat. 320, 86 Stat. 464, 465), as amended (D.C. Code, sec. 1-1447), is repealed. Such repeal shall not be construed as affecting in any manner any payment, commitment, or other action taken pursuant to and in accordance with such section prior to the date of its repeal by this Act.

(d) Subsections (a) and (b) of section 11 of the National Capital Transportation Act of 1969 (83 Stat. 320, 86 Stat. 465, 466), as amended (D.C. Code, sec. 1-1448), are each amended by deleting "section 10" each place it appears in such subsections and inserting in lieu thereof "section 15". *Ante*, p. 1321.

Approved January 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-156 (Comm. on the District of Columbia).
SENATE REPORT No. 96-475 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  July 16, considered and passed House.
  Dec. 20, considered and passed Senate, amended; House agreed to Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 1:
  Jan. 3, Presidential statement.

Public Law 96-185
96th Congress

An Act

Jan. 7, 1980
[H.R. 5860]

To authorize loan guarantees to the Chrysler Corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chrysler Corporation Loan Guarantee Act of 1979.

SHORT TITLE

15 USC 1861 note.

SECTION 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979".

DEFINITIONS

15 USC 1861.

SEC. 2. For purposes of this Act—

(1) the term "Board" means the Chrysler Corporation Loan Guarantee Board established by section 3;

(2) the term "borrower" means the Chrysler Corporation, any of its subsidiaries or affiliates, or any other entity the Board may designate from time to time which borrows funds for the benefit or use of the Corporation;

(3) the term "Corporation" means the Chrysler Corporation and its subsidiaries and affiliates;

(4) the term "financing plan" means a plan designed to meet the financing needs of the Corporation as reflected in the operating plan and indicating in accordance with the requirements of section 8 the amounts to be provided at dates specified (for each year of the plan) from internally generated sources (including earnings and cost reduction measures), from loans guaranteed under this Act, and from nonfederally guaranteed assistance as required pursuant to section 4(a)(4);

(5) the term "fiscal year" means the fiscal year of the Corporation;

(6) the term "going concern" means a corporation the net earnings of which, as projected in the plan required under section 4(a)(3), are determined to be sufficient to maintain long-term profitability after taking into account probable fluctuations in the automobile market, and which meets such other tests of viability as the Board shall prescribe;

(7) the term "labor organization" has the same meaning as in section 2 of the Natonal Labor Relations Act; 29 USC 152.

(8) the term "operating plan" means a document detailing production, distribution, and sales plans of the Corporation, together with the expenditures needed to carry out those plans (including budget and cash flow projections), on an annual basis, a productivity improvement plan setting forth steps to be taken by the Corporation and its workers to achieve a higher productivity growth rate, and an energy efficiency plan setting forth steps to be taken by the Corporation to reduce United States dependence on petroleum, in accordance with section 4(a)(3);

(9) the term "persons with an existing economic stake in the health of the Corporation" means banks, financial institutions, and other creditors, suppliers, dealers, stockholders, labor unions, employees, management, State, local, and other governments, and others directly deriving benefit from the production, distribution, or sale of products of the Corporation; and

(10) the term "wages and benefits" means any direct or indirect compensation paid by the Corporation to employees of the Corporation and shall include, but is not limited to, amounts paid in accordance with wage scales, straight time hourly wage rates, base wage rates, base salary rates, salary scales, and periodic salary grades, overtime premiums, night shift premiums, vacation payments, holiday payments, relocation allowance, call-in pay, bonuses, bereavement pay, jury duty pay, paid absence allowances, short-term military duty pay, paid leaves of absence, holiday pay including personal holidays, and medical, health, accident, sickness, disability, hospitalization, insurance, pension, educational, and supplemental unemployment benefits.

CHRYSLER CORPORATION LOAN GUARANTEE BOARD

Establishment.
Membership.
15 USC 1862.

SEC. 3. There is established a Chrysler Corporation Loan Guarantee Board which shall consist of the Secretary of the Treasury who shall be the Chairperson of the Board, the Chairman of the Board of Governors of the Federal Reserve System, and the Comptroller General of the United States. The Secretary of Labor and the Secretary of Transportation shall be ex officio nonvoting members of the Board.

AUTHORITY FOR COMMITMENTS FOR LOAN GUARANTEES

15 USC 1863.

SEC. 4. (a) Subject to the provisions of this Act, the Board, on such terms and conditions as it deems appropriate, may make commitments to guarantee the payment of principal and interest on loans to a borrower only if at the time the commitment is issued, the Board determines that—

(1) there exists an energy-savings plan which—

(A) is satisfactory to the Board;

(B) is developed in consultation with other appropriate Federal agencies;

(C) focuses on the national need to lessen United States dependence on petroleum; and

(D) can be carried out by the borrowers;

(2) the commitment is needed to enable the Corporation to continue to furnish goods or services, and failure to meet such need would adversely and seriously affect the economy of, or employment in, the United States or any region thereof;

Operating plan, submittal to Board.

(3)(A) the Corporation has submitted to the Board a satisfactory operating plan (including budget and cash flow projections) for the 1980 fiscal year and the next succeeding three fiscal years demonstrating the ability of the Corporation to continue operations as a going concern in the automobile business, and after December 31, 1983, to continue such operations as a going concern without additional guarantees or other Federal financing; and

(B) the Board has received such assurances as it shall require that the operating plan is realistic and feasible;

Financing plan.

(4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such plan, and which includes an aggregate amount of nonfederally guaranteed assistance of at least $1,430,000,000 as determined under subsection (b)—

(A) from financial commitments or concessions from persons with an existing economic stake in the health of the Corporation in excess of commitments or concessions outstanding as of October 17, 1979, or from other persons;

(B) from capital to be obtained through merger, sale of securities or otherwise after October 17, 1979;

(C) from cash to be obtained from the disposition of assets of the Corporation after October 17, 1979; and

Stock.

(D) from the issuance of $100,000,000 of common stock of the Corporation which shall be made available by the Corporation to its employees and labor organizations which are parties to collective bargaining agreements with the Corporation;

(5) the Board has received adequate assurances regarding the availability of all financing contemplated by the financing plan and that such financing is adequate (taking into account the amount of guarantees to be made available and the amount of wages and benefits not to be paid as a result of section 6) to meet all the Corporation's projected financing needs during the period covered by the financing plan;

Existing creditors, waiver.

(6) the Corporation's existing creditors have certified to the Board that they will waive their rights to recover under any prior credit commitment which may be in default unless the Board determines that the exercise of those rights would not adversely affect the operating plan submitted under paragraph (3) or the financing plan submitted under paragraph (4);

(7) no credit extended or committed on a nonguaranteed basis prior to October 17, 1979, is being converted to a guaranteed basis pursuant to this Act; and

(8) the financing plan submitted under paragraph (4) provides that expenditures under such financing plan will contribute to the domestic economic viability of the Corporation.

Nonfederally guaranteed assistance. Definitions.

(b)(1) For the purpose of computing the aggregate amount of at least $1,430,000,000 in nonfederally guaranteed assistance required to be provided under subsection (a)(4)—

(A) the term "financial commitment" means a legally binding commitment to provide additional nonfederally guaranteed assistance to meet the financing needs of the Corporation in excess of any such commitments outstanding as of October 17, 1979;

(B) the term "concession" means a legally binding commitment (or in the case of a concession from a State, local, or other government, a concession for which the Board has received adequate assurances) which will result in a reduction in the financing needs of the Corporation by an amount which is more than the amount of any reduction accomplished by any concessions outstanding as of October 17, 1979, and, except for a loan or other credit, shall be nonrecoupable;

(C) the term "capital" means sales of equity securities, any other transactions involving non-interest-bearing investments in the Corporation, or subordinated loans on which payment of principal and interest is deferred until after all guaranteed loans are repaid; and

(D) the amount of "cash to be obtained from the disposition of assets of the Corporation" shall be determined by the Board based on a conservative estimate of the minimum value realizable in a sale, with reference to the potential circumstances surrounding such a sale.

Computation of aggregate amount, exclusions.

(2) In computing the aggregate amount of at least $1,430,000,000 in nonfederally guaranteed assistance required to be provided under subsection (a)(4), there shall be excluded—

(A) the extent of any contribution, concession, or other element that does not actually and substantively contribute to meeting the Corporation's financing needs as defined in the financing plan required by this section; and

(B) deferral of any dividends on common or preferred stock outstanding as of October 17, 1979.

Categories of nonfederally guaranteed assistance.

(c) The aggregate amount of nonfederally guaranteed assistance of at least $1,430,000,000 required to be provided under subsection (a) shall include—

(1) at least $500,000,000 from United States banks, financial institutions, and other creditors, of which—

(A) at least $400,000,000 shall be new loans or credits, in addition to the extension of the full principal amount of any loans committed to be made but not outstanding as of October 17, 1979; and

(B) at least $100,000,000 shall be concessions with respect to outstanding debt of the Corporation;

(2) at least $150,000,000 shall be from foreign banks, financial institutions, and other creditors in the form of new loans or credits, in addition to the extension of the full principal amount of any loans committed to be made but not outstanding as of October 17, 1979;

(3) at least $300,000,000 shall be from the disposition of assets of the Corporation;

(4) at least $250,000,000 shall be from State, local, and other governments;

(5) at least $180,000,000 shall be from suppliers and dealers, of which at least $50,000,000 shall be in the form of capital as defined in subsection (b); and

(6) at least $50,000,000 shall be from the sale of additional equity securities.

The Board may, as necessary, modify the amounts of assistance required to be provided by any of the categories referred to in this subsection, so long as the aggregate amount of at least $1,430,000,000 in nonfederally guaranteed assistance is provided under subsection (a)(4).

REQUIREMENTS FOR LOAN GUARANTEES

15 USC 1864.

SEC. 5. (a) A loan guarantee may be issued under this Act only pursuant to a commitment issued under section 4. The terms of any such commitment shall provide that a loan guarantee may be issued under this Act only if at the time the loan guarantee is issued, the Board determines that—

(1) credit is not otherwise available to the Corporation under reasonable terms or conditions sufficient to meet its financing needs as reflected in the financing plan;

(2) the prospective earning power of the Corporation, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable taking into account the current average yield on outstanding obligations of the United States with remaining periods to maturity comparable to the maturity of such loan;

(4) the operating plan and the financing plan of the Corporation continue to meet the requirements of section 4 and appropriate revisions to such plans (including extensions of such plans to cover the then current four-year period) have been submitted to the Board to meet such requirements;

(5) the Corporation is in compliance with such plans;

(6) the Board has received such assurances as it may require that such plans are realistic and feasible;

Submittal of revised operating plan, financial plan, and related reports.

(7) the Corporation has agreed for as long as guarantees issued under this Act are outstanding—

(A) to have prepared and submitted on or before the thirtieth day preceding each fiscal year beginning after December 31, 1980, a revised operating plan and financial plan which cover the four-year period commencing with such fiscal year and which meet the requirements of section 4; and

(B) to prepare and deliver to the Board within one hundred and twenty days following the close of each fiscal year, an analysis reconciling the Corporation's actual performance for such fiscal year with the operating plan and the financial plan in effect at the start of such fiscal year;

(8) there is no substantial likelihood that Chrysler Corporation will be absorbed by or merged with any foreign entity; and

(9) the borrower is in compliance with the terms and conditions of the commitment to issue the guarantees required by the Board pursuant to section 9(b), except to the extent that such terms and conditions are modified, amended, or waived by the Board.

Determinations.

Report to congressional committees.

(b) Any determination by the Board that the conditions established by this Act have been met shall be conclusive, and such determination shall be evidenced by the issuance of the guarantee or commitment for which such determination is required. The Board shall transmit to the appropriate committees of the Congress a written report setting forth each such determination under this Act and the reasons therefor not less than fifteen days prior to the issuance of any guarantee. The validity of any guarantee when made by the Board under this Act shall be incontestable in the hands of a holder, except for fraud or material misrepresentation on the part of such holder. The Board is authorized to determine the form in which any guarantee made under this Act shall be issued.

Guarantee fees.

(c) The Board shall prescribe and collect no less frequently than annually a guarantee fee in connection with each guarantee made under this Act. Such fee shall be sufficient to compensate the Government for all of the Government's administrative expense related to the guarantee, but in no case may such fee be less than one-half of 1 per centum per annum of the outstanding principal amount of loans guaranteed under this Act computed daily.

(d) To the maximum extent feasible, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act, and for such purpose the Board is authorized to—

(1) prescribe and collect a guarantee fee in addition to the fee required by subsection (c);

Contract authority.

(2) enter into contracts under which the Government, contingent upon the financial success of the Corporation, would participate in gains of the Corporation or its security holders; or

(3) use other instruments deemed appropriate by the Board.

(e) All amounts collected by the Board pursuant to subsections (c) and (d) shall be deposited in the Treasury as miscellaneous receipts.

(f) Nothing in this Act shall be interpreted to mean that any loan guarantee of the Federal Government under this Act is in any way an asset of the Corporation which can be sold or assigned by the Chrysler Corporation to any foreign entity.

REQUIREMENTS APPLICABLE TO EMPLOYEES

Wage and benefit reductions. 15 USC 1865.

SEC. 6. (a) No loan guarantee may be issued under this Act if at the time of issuance or the proposed issuance the Board determines that—

(1) collective bargaining agreements entered into by the Corporation after September 14, 1979, with labor organizations representing employees of the Corporation which govern the payment of wages and benefits to such employees from September 14, 1979, to September 14, 1982, have not been modified so that the cost to the Corporation of such wages and benefits, as determined by the Board, shall be reduced by a total amount of at least $462,500,000 for the three-year period ending on September 14, 1982, below the cost of such wages and benefits which the Corporation would otherwise have been obligated to incur during such period, except that such dollar amount shall include $203,000,000 in wages and benefits to be foregone pursuant to the master collective bargaining agreement entered into on October 25, 1979, between the Corporation and the International Union, United Automobile Aerospace and Agricultural Implement Workers of America; or

(2) the Corporation has not put into effect a plan for achieving at least $125,000,000 in concessions as defined in section 4(b)(1)(B) from employees not represented by a labor organization.

(b) The limitations set forth in subsection (a) of this section shall not apply to any increase in wages or benefits required by law.

(c) Any increase in the wages and benefits of a person employed by the Corporation resulting from reclassification or reevaluation of a job or a promotion effected in order to evade the provisions of this section shall be considered an indirect form of compensation.

(d)(1) To meet the requirements of this section, the Corporation shall not enter into a collective bargaining agreement with a labor organization which—

(A) reduces the amounts and levels of wages and benefits provided by such a collective bargaining agreement beyond the labor organization's proportionate share, as determined by the Board; or

(B) reduces wages and benefits below the levels and amounts provided on September 13, 1979.

(2) For purposes of this subsection, the proportionate share of a labor organization shall be determined by multiplying the total reduction required by paragraph (1) by the quotient obtained by dividing the total number of the Corporation's employees represented by that labor organization whose proportionate share is to be determined by the total number of the Corporation's employees represented by labor organizations.

(e) The cost reduction realized by the Corporation under the terms of this subsection shall not be recoupable.

Cash contributions.

(f) If the Board determines that cash contributions from labor organizations or employees are legally committed so that the total contributions from employees and labor organizations during the period of September 13, 1979, through September 13, 1982, will exceed the total amount of wages and benefits not paid as a result of subsection (a), the Board may permit an increase in the levels and amounts of employee wages and benefits beyond the levels and amounts in effect on September 13, 1979, which would otherwise be prohibited by subsection (a), if (1) such increase will not impair the ability of the Corporation to continue as a going concern, or to meet such other tests of viability as the Board shall prescribe, and (2) the amount of such increase does not exceed the amount of the cash contributions committed.

EMPLOYEE STOCK OWNERSHIP PLAN

15 USC 1866.

SEC. 7. (a) No guarantee or commitment to guarantee any loan may be made under this Act until the Chrysler Corporation, in a written agreement with the Board which is satisfactory to the Board, agrees—

(1) to establish a trust which forms part of an employee stock ownership plan meeting the requirements of subsection (c);

(2) to make employer contributions to such trust in accordance with such plan; and

(3) to issue additional shares of qualified common stock at such times as such shares are required to be contributed to such trust.

(b) No guarantee or commitment to guarantee any loan may be made under this Act after the close of the one hundred and eighty-day period beginning on the date of the enactment of this Act unless the Chrysler Corporation has established a trust which forms part of an employee stock ownership plan meeting the requirements of subsection (c).

(c) An employee stock ownership plan meets the requirements of this subsection only if—

(1) such plan is maintained by the Chrysler Corporation;

26 USC 4975.
26 USC 410.

(2) such plan satisfies the requirements of section 4975(e)(7) of the Internal Revenue Code of 1954 (determined without regard to subparagraph (A) of section 410(b)(2) of such Code);

(3) such plan provides that—

(A) employer contributions to the trust may be made only in accordance with requirements of subsection (d);

(B) each participant in the plan has a nonforfeitable right to the participant's accrued benefit under the plan;

26 USC 415.

(C) each employer contribution to the trust shall be allocated in equal amounts (to the extent not inconsistent with the requirements of section 415(c) of such Code) to the accounts of all participants in the plan; and

26 USC 401.

(D) distributions from the trust under the plan will be made in accordance with the requirements of section 401(k)(2)(B) of the Internal Revenue Code of 1954; and

(4) such plan benefits 90 percent or more of all employees of the Corporation, excluding the employees who have not satisfied the minimum wage and service requirements, if any, prescribed by the plan as a condition of participation.

Employer contributions.

(d)(1) Employer contributions meet the requirements of this subsection only if such contributions—

(A) will total not less than $162,500,000 before the close of the four-year period beginning not later than the one hundred and eightieth day after the date of the enactment of this Act;

(B) are made in such amounts and at such times that no time during such four-year period will the amount of employer contributions to the trust be less than the amount such contributions would have been if made in installments of $40,625,000 made at the end of each year in such period; and

(C) are made in the additional qualified common stock which the Chrysler Corporation issues by reason of subsection (a)(3).

(2)(A) In the case of a qualified loan to the trust for the purchase of qualified common stock the amount of such stock purchased with the proceeds of such loan shall be treated for purposes of paragraph (1) as an employer contribution to the trust made on the date such stock is so purchased.

(B) For purposes of subparagraph (A), the term "qualified loan" means any loan— "Qualified loan."

(i) which may be repaid only in substantially equal installments;

(ii) which has a term of not more than ten years; and

(iii) the proceeds of which are used only to purchase an amount of the additional qualified common stock which the Chrysler Corporation issues by reason of subsection (a)(3).

(e) For purposes of this section, the term "qualified common stock" means stock of the class of common stock of the Chrysler Corporation which is outstanding on October 17, 1979, and which is readily tradeable on an established securities market. "Qualified common stock."

(f) An amount equal to $162,500,000 of the additional qualified common stock issued by the Corporation by reason of subsection (a)(3) shall not be treated for purposes of this Act as assistance received by the Chrysler Corporation from other than the Federal Government pursuant to section 4(c).

LIMITATIONS ON GUARANTEE AUTHORITY

SEC. 8. (a) The authority of the Board to extend loan guarantees under this Act shall not at any time exceed $1,500,000,000 in the aggregate principal amount outstanding. 15 USC 1867.

(b) Subject to subsection (a), the total principal amount of loans which are guaranteed under this Act and which are outstanding at any time shall not exceed the amount of nonfederally guaranteed assistance under section 4(a) and the amount of concessions and contributions under section 6 which have accrued to the Corporation.

TERMS AND CONDITIONS OF LOAN GUARANTEES

SEC. 9. (a) Loans guaranteed under this Act shall be payable in full not later than December 31, 1990, and the terms and conditions of such loans shall provide that they cannot be amended, or any provision waived, without the Board's consent. 15 USC 1868.

(b)(1) Any commitment to issue guarantees entered into pursuant to this Act shall contain all the affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this Act at the time the commitment is made.

INSPECTION OF DOCUMENTS; AUDIT BY THE GENERAL ACCOUNTING OFFICE

15 USC 1869.

SEC. 10. (a) At any time a request for a loan guarantee under this Act is pending or a loan guaranteed under this Act is outstanding, the Board is authorized to inspect and copy all accounts, books, records, memoranda, correspondence, and other documents and transactions of the Corporation and any other borrower requesting a guarantee under this Act.

(b) The General Accounting Office may make such audits as may be deemed appropriate by the Comptroller General of the United States of all accounts, books, records, memoranda, correspondence, and other documents and transactions of the Corporation and any other borrower. No guarantee may be made under this Act unless and until the Corporation and any other borrower agree, in writing, to allow the General Accounting Office to make such audits. The General Accounting Office shall report the results of all such audits to the Congress.

(c) The Board is empowered to investigate and shall investigate any allegations of fraud, dishonesty, incompetence, misconduct, or irregularity in the management of the affairs of the Corporation which are material to the Corporation's ability to repay the loans guaranteed under this Act.

PROTECTION OF GOVERNMENT'S INTEREST

15 USC 1870.

SEC. 11. (a) The Board shall take such action as may be appropriate to enforce any right accruing to the United States or any officer or agency thereof as a result of the commitment or issuance of guarantees under this Act.

(b) If the Corporation undertakes a sale of any asset having a value in excess of $5,000,000, and if the Board determines such sale is likely to impair the ability and capacity of the Corporation to repay the guaranteed loans as scheduled, or to impair the ability of the Corporation to continue as a going concern or to meet such other tests of viability as the Board shall prescribe, the Board shall not issue any further guarantees for loans under this Act, and all guaranteed loans made prior to such determination shall be due and payable in full.

(c) If the Corporation enters into any contract, including but not limited to future wage and benefit settlements, having an aggregate value of $10,000,000 or more, the Board shall determine and certify that the performance of the obligations of the Corporation pursuant to such contract will not reduce the ability of the Corporation to repay the guaranteed loans as scheduled, will not conflict with the Corporation's operating plan or financing plan as required under this Act, and will not impair the ability of the Corporation to continue as a going concern or to meet such other tests of viability as the Board shall prescribe. If in any case such determination and certification cannot be made, the Board shall not issue any further guarantees for loans under this Act until such certification can be made, and all loans guaranteed under this Act shall be due and payable in full.

(d) The Board shall be entitled to recover from the borrower, or from any other person liable therefor, the amount of all payments made pursuant to any guarantee entered into under this Act, and upon making any such payment, the Board shall be subrogated to all the rights of the recipient thereof.

(e) The remedies provided in this Act shall be cumulative and not in limitation of or substitution for any other remedy available to the Board or the United States.

Compliance, court action.

(f) The Board may bring action in any United States district court or any other appropriate court to enforce compliance with the provisions of the Act or any agreement related thereto and such court shall have jurisdiction to enforce such compliance and enter such orders as may be appropriate.

(g) A loan shall not be guaranteed under this Act if the income from such loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 or if the guarantee provides significant collateral or security to other obligations, the income from which is so excluded.

26 USC 1 *et seq.*

Invalidity of provisions.

(h) If any provision of this Act is held to be invalid or the application of such provision to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Debts due to United States.

(i)(1) Notwithstanding any other provision of law and subject to paragraphs (2), (3), and (4), whenever any person is indebted to the United States as a result of any loan guarantee issued under this Act and such person is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

Waivers.

(2) Subject to paragraphs (3) and (4), the Board may waive the priority established in paragraph (1) if—

(A) the Board determines that the waiver of such priority is necessary to facilitate the ability of the Corporation or any borrower to obtain financing; and

(B) the Board determines that, despite such waiver, there is a reasonable prospect of repayment of the loans guaranteed under this Act.

(3) Subject to paragraph (4), waivers under paragraph (2) may only be issued—

(A) with respect to any State or local government;

(B) with respect to a supplier of the Corporation, except that no supplier of the Corporation may receive waivers under paragraph (2) with respect to claims of such supplier in an amount of more than $100,000; and

(C) with respect to loans made after October 17, 1979, by any creditor of the Corporation up to a total of $400,000,000.

(4) A waiver under paragraph (2) with respect to a supplier of the Corporation or any creditor of the Corporation under paragraph (3)(C) may not by its terms subordinate the claims of the United States under this Act to those of any other creditor of the Corporation or of any borrower.

Dividend payment.

(j) The Corporation may not pay any dividend on its common or preferred stock during the period beginning on the date of the enactment of this Act and ending on the date on which loan guarantees issued under this Act are no longer outstanding.

LONG-TERM PLANNING STUDY

Submittal to Board and Congress.
15 USC 1871.

SEC. 12. (a) The Secretary of Transportation, after consultation with the Secretary of Energy and the Secretary of Labor, shall submit to the Board and to the Congress as soon as practicable, but not later than six months after the date of enactment of this Act, an assessment of the long-term viability of the Corporation's involvement in the automobile industry. The study shall assess the impact of likely energy trends and events on the automobile industry, including long-term capital requirements, productivity growth rate, rate of technological change, shifting market characteristics, the capability of the industry as a whole to respond to the requirements of the 1980's, and shall evaluate the adequacy of the industry's existing structure to make necessary technological and corporate adjustments. The study shall include an examination of the Corporation's capability to produce for sale an automobile similar to those vehicles developed under the research safety vehicle program of the National Highway Traffic Safety Administration. The study shall consider government procurement as one means of establishing a market for this automobile.

Annual comprehensive assessments to Congress.

(b) The Secretary of Transportation shall prepare and transmit to the Congress annual comprehensive assessments of the state of the automobile industry and its interaction in an integrated economy. Each annual assessment shall include, but not be limited to, issues pertaining to personal mobility, capital and material requirements and availability, national and regional employment, productivity growth rate, trade and the balance of payments, the industry's competitive structure, and the effects of utilization of other modes of transportation.

(c) The Board shall take the results of the study and each annual assessment into account when examining and evaluating the Corporation's financing plan and operating plan.

Economic and employment trends.

(d) In the study and assessments required by subsection (a) and (b), the Secretary in consultation with appropriate agencies and departments shall identify any adverse effects on the economy of or on employment in the United States or any region thereof and shall make recommendations for dealing with the adverse economic and employment trends identified in such study and for proposed programs or structural or modifications of existing programs, as well as funding requirements, in such areas as economic development, community development, job retraining, and worker relocation. In addition, the Secretary may make any additional recommendations he deems appropriate to address the long term national and regional impact of reduced activity of the Corporation or of the automobile industry.

PROHIBITION ON USE OF THE FEDERAL FINANCING BANK

15 USC 1872.

SEC. 13. Notwithstanding the provisions of section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285) or any other provision of law, none of the loans guaranteed or committed to be guaranteed under this Act shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank or any other Federal agency or department or entity owned in whole or in part by the United States.

REPORTS TO CONGRESS

15 USC 1873.

SEC. 14. (a) The Board shall submit to the Congress semiannually a full report of its activities under this Act during fiscal years 1980 and 1981, and annually thereafter so long as any loan guaranteed under this Act is outstanding. The final report for 1981 shall include an evaluation of the long-term economic implications of the Chrysler loan guarantee program, with findings, conclusions, and recommen-

Future Federal loan guarantees.

dations for legislative and administrative actions considered appropriate to future Federal loan guarantee programs. The study shall also consider for inclusion in any guidelines covering future assistance to corporations the following factors:

(1) the prospective economic environment at the time the assistance would have its intended effect, and the impact that either the granting or denial of assistance will have on the environment,

(2) the importance, in terms of size and in terms of goods and services rendered, or the corporation or business entity to the national economy,

(3) the appropriateness of aggregate limits for such Federal assistance per fiscal year,

(4) the order of preference for specific types of assistance, and

(5) the degree to which assisted corporations or business entities should be required to adhere to other governmental policies as a condition for the assistance.

(b) Not less than fifteen days before the issuance of any loan guarantee under this Act, the Board shall transmit to the appropriate committees of the Congress a written report containing—

(1) the details of such loan guarantee;

(2) the specific assurances received by the Board under the provisions of sections 4 and 5; and

(3) the specific determinations made by the Board under the provisions of sections 4 and 5.

(c) The Board shall have the power to require the Secretary of Transportation to complete, within six months of such request, an assessment of the economic impact on the automobile industry of Federal regulatory requirements and the necessity thereof.

Federal regulatory requirements, economic impact assessment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. (a) There are authorized to be appropriated beginning October 1, 1979, and to remain available without fiscal year limitation, such sums as may be necessary to carry out the provisions of this Act.

15 USC 1874.

(b) Notwithstanding any other provision of this Act, the authority of the Board to make any loan guarantee under this Act shall be limited to the extent such amounts are provided in advance in appropriation Acts.

TERMINATION

SEC. 16. The authority of the Board to make commitments to guarantee or to issue guarantees under this Act expires on December 31, 1983.

15 USC 1875.

ASSISTANCE TO AUTOMOBILE DEALERS

SEC. 17. (a) The Congress finds that—

15 USC 631 note.

(1) automobile dealerships are, for the most part, small businesses, and

(2) current economic conditions have adversely affected automobile dealers to an unusual extent.

(b) The Administrator of the Small Business Administration (hereinafter in this section referred to as the "Administrator") shall investigate the financial problems faced by small business automobile dealers and determine what assistance through loans and loan guarantees may be needed and can be made available to

SBA investigation.

Report to Congress.

alleviate such problems. The Administrator shall report the results of such investigation to the Senate and the House of Representatives not later than sixty days after the date of the enactment of this Act.

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT AMENDMENTS

Sec. 18. Section 13(c) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2512(c)) is amended by adding the following new subparagraphs:

Evaluation program.

"(1) The Secretary of Energy in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency is authorized and directed to conduct a seven-year evaluation program of the inclusion of electric vehicles, as defined in section 512(b)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2012(b)(2)), in the calculation of average fuel economy pursuant to section 503(a) (1) and (2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a) (1) and (2)) to determine the value and implications of such inclusion as an incentive for the early initiation of industrial engineering development and initial commercialization of electric vehicles in the United States. The evaluation program shall be conducted in parallel with the research and development activities of section 6 and demonstration activities of section 7 (15 U.S.C. 2505 and 2506) to provide all necessary information no later than January 1, 1987, for the private sector and Federal, State and local officials to make required decisions for the full commercialization of electric vehicles in the United States.

Regulations.

"(2) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, shall implement immediately the evaluation program by promulgating, within sixty days of enactment of the Act, regulations to include electric vehicles in average fuel economy calculations under section 503(a) (1) and (2) of the Motor Vehicle Information and Cost Savings Act. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003), as amended, is further amended by adding a new section 503(a)(3) (15 U.S.C. 2003(a)(3)), which reads as follows:

Average fuel economy, calculation procedures.

" '(3) In the event that a manufacturer manufactures electric vehicles, as defined in section 512(b)(2) (15 U.S.C. 2012(b)(2)), the average fuel economy will be calculated under 503(a) (1) and (2) to include equivalent petroleum based fuel economy values for various classes of electric vehicles in the following manner:

" '(A) The Secretary of Energy will determine equivalent petroleum based fuel economy values for various classes of electric vehicles. Determination of these fuel economy values will take into account the following parameters:

" '(i) the approximate electrical energy efficiency of the vehicles considering the vehicle type, mission, and weight;

" '(ii) the national average electricity generation and transmission efficiencies;

" '(iii) the need of the Nation to conserve all forms of energy, and the relative scarcity and value to the Nation of all fuel used to generate electricity;

" '(iv) the specific driving patterns of electric vehicles as compared with those of petroleum fueled vehicles.

"'(B) The Secretary of Energy will propose equivalent petroleum based fuel economy values within four months of enactment of the Act. Final promulgation of the values is required no later than six months after the proposal of the values.

"'(C) The Secretary of Energy will review these values on an annual basis and will propose revisions, if necessary.'. Review.

"(3) The Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall include a full discussion of this evaluation program in the annual report required by section 14 (15 U.S.C. 2513) in each year after promulgation of the regulations under paragraph (2). The Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall submit to the Congress on January 1, 1987, a final report on the results of the evaluation program and any recommendations regarding the continued inclusion of electric vehicles in the average fuel economy calculations under the Motor Vehicle Information and Cost Savings Act.". Results, final report to Congress.

15 USC 1901 note.

Approved January 7, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-690 (Comm. on Banking, Finance, and Urban Affairs) and No. 96-730 (Comm. of Conference).
SENATE REPORT No. 96-463 accompanying S. 2094 (Comm. on Banking, Housing, and Urban Affairs.)
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Dec. 17, S. 2094 considered in Senate.
  Dec. 18, S. 2094 considered in Senate; H.R. 5860 considered and passed House.
  Dec. 19, H.R. 5860 considered and passed Senate, amended, in lieu of S. 2094.
  Dec. 20, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 1:
  Jan. 7, Presidential statement.

Public Law 96-186
96th Congress

Joint Resolution

Jan. 8, 1980
[H.J. Res. 468]

Extending the dates for submission of the President's Budget and Economic Report.

Budget and Economic Report. Time extension.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. section 11), the President shall transmit to Congress not later than January 28, 1980, the budget for the fiscal year 1981, and (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. section 1022), the President shall transmit to the Congress not later than January 30, 1980, the Economic Report.

Approved January 8, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 125 (1979):
Dec. 20, considered and passed House and Senate.

Public Law 96-187
96th Congress

An Act

To amend the Federal Election Campaign Act of 1971 to make certain changes in the reporting and disclosure requirements of such Act, and for other purposes.

Jan. 8, 1980
[H.R. 5010]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act Amendments of 1979".

Federal Election Campaign Act Amendments of 1979.
2 USC 431 note.

TITLE I—AMENDMENTS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971

DEFINITIONS

Sec. 101. Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), hereinafter in this Act referred to as the "Act", is amended to read as follows:

"DEFINITIONS

"Sec. 301. When used in this Act:

"(1) The term 'election' means—

"(A) a general, special, primary, or runoff election;

"(B) a convention or caucus of a political party which has authority to nominate a candidate;

"(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

"(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

"(2) The term 'candidate' means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

"(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

"(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

"(3) The term 'Federal office' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

"(4) The term 'political committee' means—

"(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

"(B) any separate segregated fund established under the provisions of section 316(b); or

Post, p. 1354.

"(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in section 301 (8) and (9) aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

Post, p. 1345.

"(5) The term 'principal campaign committee' means a political committee designated and authorized by a candidate under section 302(e)(1).

"(6) The term 'authorized committee' means the principal campaign committee or any other political committee authorized by a candidate under section 302(e)(1) to receive contributions or make expenditures on behalf of such candidate.

"(7) The term 'connected organization' means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

"(8)(A) The term 'contribution' includes—

"(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

"(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

"(B) The term 'contribution' does not include—

"(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

"(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

"(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

"(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single

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election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

"(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

"(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization;

Post, p. 1354.

"(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

"(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

"(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

"(III) shall bear the usual and customary interest rate of the lending institution;

"(viii) any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;

"(ix) any legal or accounting services rendered to or on behalf of—

"(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

"(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954,

26 USC 9001 *et seq.*, 9031 *et seq.*

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;

Post, p. 1348.

"(x) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided,* That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

"(xi) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): *Provided,* That such payments are made from contributions subject to the limitations and prohibitions of this Act;

"(xii) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided,* That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

"(xiii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access; and

"(xiv) any honorarium (within the meaning of section 323 of this Act). *Post,* p. 1354.

"(9)(A) The term 'expenditure' includes—

"(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

"(ii) a written contract, promise, or agreement to make an expenditure.

"(B) The term 'expenditure' does not include—

"(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

"(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

"(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 304(a)(4)(A)(i), and in accordance with section 304(a)(4)(A)(ii) with respect to any general election; *Post*, p. 1348.

"(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

"(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization; *Post*, p. 1354.

"(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b), but all such costs shall be reported in accordance with section 304(b); *Post*, p. 1354. *Post*, p. 1348.

"(vii) the payment of compensation for legal or accounting services—

"(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

"(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, 26 USC 9001 *et seq.*, 9031 *et seq.*

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;

"(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

"(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

"(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

"(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

"(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

"(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

"(10) The term 'Commission' means the Federal Election Commission.

"(11) The term 'person' includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

"(12) The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

"(13) The term 'identification' means—

"(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

"(B) in the case of any other person, the full name and address of such person.

"(14) The term 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

"(15) The term 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

"(16) The term 'political party' means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

"(17) The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

"(18) The term 'clearly identified' means that—

"(A) the name of the candidate involved appears;

"(B) a photograph or drawing of the candidate appears; or

"(C) the identity of the candidate is apparent by unambiguous reference.

"(19) The term 'Act' means the Federal Election Campaign Act of 1971 as amended.".

2 USC 431 note.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 102. Section 302 of the Act (2 U.S.C. 432) is amended to read as follows:

"ORGANIZATION OF POLITICAL COMMITTEES

Treasurer.

"SEC. 302. (a) Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

"(b)(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

"(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

"(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

"(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

Personal funds.

"(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

Accounting records.

"(c) The treasurer of a political committee shall keep an account of—

"(1) all contributions received by or on behalf of such political committee;

"(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

"(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

"(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

"(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

Record retention.

"(d) The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this title for 3 years after the report is filed.

Campaign committee, designation.

"(e)(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1).

"(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

"(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

"(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

"Support."

"(B) As used in this section, the term 'support' does not include a contribution by any authorized committee in amounts of $1,000 or less to an authorized committee of any other candidate.

"(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

Post, p. 1354.

"(5) The name of any separate segregated fund established pursuant to section 316(b) shall include the name of its connected organization.

Filing requirements.

"(f)(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

"(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

Filing requirements.

"(g)(1) Designations, statements, and reports required to be filed under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident

Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive such designations, statements, and reports as custodian for the Commission.

"(2) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, and by the principal campaign committee of such candidate, shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

"(3) The Clerk of the House of Representatives and the Secretary of the Senate shall forward a copy of any designation, statement, or report filed with them under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

"(4) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraphs (1) and (2), shall be filed with the Commission.

Public inspection and copying.

"(5) The Clerk of the House of Representatives and the Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such designations, statements, and reports in the same manner as the Commission under section 311(a)(5).

Post, p. 1362.

Campaign depositories, designation.

"(h)(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

Petty cash fund.

"(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5).

"(i) When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.".

26 USC 9001 *et seq.*, 9031 *et seq.*

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 103. Section 303 of the Act (2 U.S.C. 433) is amended to read as follows:

"REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

Organizational statements.

"SEC. 303. (a) Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 302(e)(1). Each separate segregated fund established under the provisions of section 316(b) shall file a statement of

Ante, p. 1345.
Post, p. 1354.

organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 301(4).

Ante, p. 1339.

"(b) The statement of organization of a political committee shall include—

"(1) the name, address, and type of committee;

"(2) the name, address, relationship, and type of any connected organization or affiliated committee;

"(3) the name, address, and position of the custodian of books and accounts of the committee;

"(4) the name and address of the treasurer of the committee;

"(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

"(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

"(c) Any change in information previously submitted in a statement of organization shall be reported in accordance with section 302(g) no later than 10 days after the date of the change.

Ante, p. 1345.
Committee termination.

"(d)(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 302(g), that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

"(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

"(A) the determination of insolvency with respect to any political committee;

"(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

"(C) the termination of an insolvent political committee after such liquidation and application of assets.".

REPORTS

SEC. 104. Section 304 of the Act (2 U.S.C. 434) is amended to read as follows:

"REPORTS

"SEC. 304. (a)(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

Congressional campaigns.

"(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

"(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

"(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

"(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

"(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

"(B) in any other calendar year the following reports shall be filed:

"(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

"(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

Presidential campaigns, contributions and expenditures.

"(3) If the committee is the principal campaign committee of a candidate for the office of President—

"(A) in any calendar year during which a general election is held to fill such office—

"(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

"(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

"(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

"(B) in any other calendar year, the treasurer shall file either—

"(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

"(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

"(4) All political committees other than authorized committees of a candidate shall file either—

"(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

"(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

"(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

"(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

"(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Mailing, date of filing.

"(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii)) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

Notification for contributions of $1,000 or more.

"(6)(A) The principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

"(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

"(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

Filing dates.

"(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The

Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

Waiver.

"(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

Vice Presidential campaigns.

"(b) Each report under this section shall disclose—

"(1) the amount of cash on hand at the beginning of the reporting period;

"(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

Receipts.

"(A) contributions from persons other than political committees;

"(B) for an authorized committee, contributions from the candidate;

"(C) contributions from political party committees;

"(D) contributions from other political committees;

"(E) for an authorized committee, transfers from other authorized committees of the same candidate;

"(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

"(G) for an authorized committee, loans made by or guaranteed by the candidate;

"(H) all other loans;

"(I) rebates, refunds, and other offsets to operating expenditures;

"(J) dividends, interest, and other forms of receipts; and

"(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of the Internal Revenue Code of 1954;

26 USC 9001 *et seq.*, 9031 *et seq.*

"(3) the identification of each—

"(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

"(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

"(C) authorized committee which makes a transfer to the reporting committee;

"(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

"(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

"(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of such receipt; and

"(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt;

Disbursements.

"(4) for the reporting period and the calendar year, the total amount of all disbursements, and all disbursements in the following categories:

"(A) expenditures made to meet candidate or committee operating expenses;

"(B) for authorized committees, transfers to other committees authorized by the same candidate;

"(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

"(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

"(E) repayment of all other loans;

"(F) contribution refunds and other offsets to contributions;

"(G) for an authorized committee, any other disbursements;

"(H) for any political committee other than an authorized committee—

"(i) contributions made to other political committees;

"(ii) loans made by the reporting committees;

"(iii) independent expenditures;

"(iv) expenditures made under section 315(d) of this Act; and

"(v) any other disbursements; and

"(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 315(b);

Post, p. 1354.

"(5) the name and address of each—

"(A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

"(B) authorized committee to which a transfer is made by the reporting committee;

"(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

"(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

"(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

"(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such disbursement;

"(B) for any other political committee, the name and address of each—

"(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

"(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

"(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

"(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 315(d) in the Act, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

Post, p. 1354.

"(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

"(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year; and

"(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

Independent expenditures in excess of $250.

"(c)(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person.

Statement filing.

"(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2), and shall include—

"(A) the information required by subsection (b)(6)(B)(iii), indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

"(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

"(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

Any independent expenditure (including those described in subsection (b)(6)(B)(iii)) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made. Such statement shall be filed with the Clerk, the Secretary, or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved.

Indexing requirement.

"(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii), made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.".

FEDERAL ELECTION COMMISSION

SEC. 105. Title III of the Act (2 U.S.C. 431 et seq.) is amended—

2 USC 435, 436, 437b, 437e, 439b, 441j.

(1) by striking out sections 305, 306, 308, 311, 318, and 329;

2 USC 437.

(2) by redesignating section 307 as section 305;

2 USC 437c, 437d.

(3) by redesignating sections 309 and 310 as sections 306 and 307, respectively;

2 USC 437f–439a.

(4) by redesignating sections 312 through 317 as sections 308 through 313, respectively;

2 USC 439c–441i.

(5) by redesignating sections 319 through 328 as sections 314 through 323, respectively; and

(6) by amending section 306, as so redesignated by section 105(a)(3), to read as follows:

"FEDERAL ELECTION COMMISSION

Members. 2 USC 437c.

"SEC. 306. (a)(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

Terms.

"(2)(A) Members of the Commission shall serve for terms of 6 years, except that of the members first appointed—

"(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

"(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

"(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

"(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

"(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

Qualifications.

"(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

Compensation.

"(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

Chairman and vice chairman.

"(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

"(b)(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

26 USC 9001 *et seq.*, 9031 *et seq.*

"(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.

Decisionmaking.

"(c) All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 307(a) of this Act or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Infra.
26 USC 9001 *et seq.*, 9031 *et seq.*

Meetings.

"(d) The Commission shall meet at least once each month and also at the call of any member.

Rules, seal, principal office.

"(e) The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

Staff director; general counsel.

"(f)(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

Temporary and intermittent services.

"(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332).

Assistance from other agencies.

"(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

Legal actions.

"(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.".

5 USC 5101 *et seq.*, 5331.

POWERS OF THE COMMISSION

Ante, p. 1354.

SEC. 106. Section 307, as so redesignated in section 105(a)(3), is amended to read as follows:

"POWERS OF THE COMMISSION

2 USC 437d.

"SEC. 307. (a) The Commission has the power—

"(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;

"(2) to administer oaths or affirmations;

"(3) to require by subpena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

"(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

"(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

Witnesses, fees and mileage payment.

"(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 309(a)(8) of this Act) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954, through its general counsel;

Post, p. 1358.

26 USC 9001 *et seq.*, 9031 *et seq.*

"(7) to render advisory opinions under section 308 of this Act;

Infra.

"(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954; and

5 USC 500 *et seq.*

"(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

"(b) Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a), issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

"(d)(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

Budget, transmittal to Congress.

"(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

Legislation, transmittal to Congress.

"(e) Except as provided in section 309(a)(8) of this Act, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.".

Post, p. 1358.

ADVISORY OPINIONS

SEC. 107. (a) Section 308 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

Ante, p. 1354.

"ADVISORY OPINIONS

2 USC 437f.

26 USC 9001 *et seq.*, 9031 *et seq.*

"SEC. 308. (a)(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

"(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

Post, p. 1362.

"(b) Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 311(d). No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

"(c)(1) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by—

"(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

"(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Public comments.

"(d) The Commission shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.".

ENFORCEMENT

Ante, p. 1354.

SEC. 108. Section 309 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

"ENFORCEMENT

Complaints, filing.
2 USC 437g.
26 USC 9001 *et seq.*, 9031 *et seq.*

"SEC. 309. (a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the

Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

"(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

26 USC 9001 e
seq., 9031 et se

Notification o
respondent.

"(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

"(4)(A)(i) Except as provided in clause (ii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

"(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

"(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

Conciliation
agreements.

"(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall make public such determination.

26 USC 9001 *et seq.*, 9031 *et seq.*

"(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

"(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

"(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d), or a knowing and willful violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

"(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

"(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, by the methods specified in paragraph (4)(A), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

"(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

"(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

"(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

"(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

"(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

"(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(10) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection or under section 310 of this Act).

Ante, p. 1354.

"(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

"(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

"(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

"(b) Before taking any action under subsection (a) against any person who has failed to file a report required under section 304(a)(2)(A)(iii) for the calendar quarter immediately preceding the election involved, or in accordance with section 304(a)(2)(A)(i), the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 311(a)(7), publish before the election the name of the person and the report or reports such person has failed to file.

Ante, p. 1348.

Post, p. 1362.

Attorney General, report to Commission.

"(c) Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

"(d)(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating $2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of $25,000 or 300 percent of any contribution or expenditure involved in such violation.

"(B) In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 316(b)(3) may incorporate a violation of section 317(b), 320, or 321.

Ante, p. 1354.

Ante, p. 1354.

Ante, p. 1354.

"(C) In the case of a knowing and willful violation of section 322, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

"(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

26 USC 9001 *et seq.*, 9031 *et seq.*

"(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

"(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

"(B) the conciliation agreement is in effect; and

"(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.".

ADMINISTRATIVE PROVISIONS

SEC. 109. Section 311 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

Ante, p. 1354.

"ADMINISTRATIVE PROVISIONS

2 USC 438.

"SEC. 311. (a) The Commission shall—

"(1) prescribe forms necessary to implement this Act;

"(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

"(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

Public inspection and copying of Commission reports and statements.

"(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Clerk, Secretary, or the Commission shall exclude these lists from the public record;

Record retention.

"(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

Indexing requirements.

"(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

"(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

"(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

"(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

Rules and regulations.

"(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d);

Report to President and Congress.

"(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate; and

National clearinghouse.

"(10) serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made available without cost, upon request, to agencies and branches of the Federal Government.

Audits and field investigations.
Ante, p. 1348.
26 USC 9001 *et seq.*, 9031 *et seq.*

"(b) The Commission may conduct audits and field investigations of any political committee required to file a report under section 304 of this Act. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of the Internal Revenue Code of 1954 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

"(c) Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

Proposals, transmittal to Congress.

"(d)(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

"(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

"Legislative day."

"(3) For purposes of this subsection, the term 'legislative day' means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

"Rule" and "regulation."

"(4) For purposes of this subsection, the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.

"(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

"(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

Rules and regulations, compliance.

"(e) Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

26 USC 9001 *et seq.*, 9031 *et seq.*

"(f) In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.".

Annual report to Congress

STATEMENTS FILED WITH STATE OFFICERS

Sec. 110. Section 312 of the Act, as so redesignated in section 105(a)(4), is amended to read as follows:

Ante, p. 1354.

"STATEMENTS FILED WITH STATE OFFICERS

2 USC 439.

"SEC. 312. (a)(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

"Appropriate State."

"(2) For purposes of this subsection, the term 'appropriate State' means—

"(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

"(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

"(b) The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1), shall—

"(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

Record retention.

"(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

Public inspection and copying.

"(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

"(4) compile and maintain a current list of all reports and statements pertaining to each candidate.".

PUBLICATION AND DISTRIBUTION OF STATEMENTS AND SOLICITATIONS

SEC. 111. Section 318 of the Act, as so redesignated in section 105(a)(5), is amended to read as follows:

Ante, p. 1354.

"PUBLICATION AND DISTRIBUTION OF STATEMENTS AND SOLICITATIONS

Authorizing and funding sources, identification.
2 USC 441d.

"SEC. 318. (a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

"(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

"(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents,

shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

"(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

Newspaper or magazine fees.

"(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.".

TECHNICAL AMENDMENTS

Ante, p. 1354.

SEC. 112. (a) Section 305 of the Act, as so redesignated in section 105(a)(2), is amended—

(1) by striking out "sixty" and inserting in lieu thereof "60";

(2) by striking out "twenty" and inserting in lieu thereof "20"; and

(3) by striking out "Federal Election".

2 USC 437c.

(b) Section 306(c) of the Act, as so redesignated in section 105(a)(3), is amended by striking out "section 310(a)" and inserting in lieu thereof "section 307(a)".

2 USC 437h.

(c) Section 310(a) of the Act, as so redesignated in section 105(a)(4), is amended by striking out "of the United States" the first place it appears therein.

2 USC 441b.

(d) The first sentence of section 316(b)(4)(B) of the Act, as so redesignated in section 105(a)(5), is amended by striking out "it" and inserting in lieu thereof "It".

42 USC 5043.

(e)(1) Section 403(a) of the Domestic Volunteer Service Act of 1973 is amended—

(A) by striking out "section 301(a)" and inserting in lieu thereof "section 301(1)"; and

(B) by striking out "section 301(c)" and inserting in lieu thereof "section 301(3)".

22 USC 901a.

(2) Section 6 of the Department of State Appropriations Authorization Act of 1973 is amended by striking out "section 301(e)" and inserting in lieu thereof "section 301(8)".

USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

Ante, p. 1354.

SEC. 113. Section 313 of the Act (as redesignated by section 105(4)) is amended to read as follows:

"USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

2 USC 439a.

26 USC 170.

"SEC. 313. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of the Internal Revenue Code of 1954, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident

Commissioner to, the Congress on the date of the enactment of the Federal Election Campaign Act Amendments of 1979, no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office.". *Ante*, p. 1339.

TITLE II—AMENDMENTS TO OTHER LAWS

MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 201. (a)(1) Chapter 29 of title 18, United States Code, is amended by striking out section 591. Repeal. 18 USC 591.

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by striking out the item relating to section 591.

(3) Section 602 of such title is amended to read as follows:

"SOLICITATION OF POLITICAL CONTRIBUTIONS

"SEC. 602. It shall be unlawful for— 18 USC 602.

"(1) a candidate for the Congress;

"(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

"(3) an officer or employee of the United States or any department or agency thereof; or

"(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit, any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.". *Ante*, p. 1339.

(4) Section 603 of such title is amended to read as follows:

"MAKING POLITICAL CONTRIBUTIONS

"SEC. 603. (a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both. 18 USC 603.

"(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.". *Ante*, p. 1345.

(5) Section 607 of such title is amended to read as follows:

"PLACE OF SOLICITATION

"SEC. 607. (a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 18 USC 607. *Ante*, p. 1339.

603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

"(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.". *Ante*, p. 1345.

MISCELLANEOUS AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

26 USC 9008.

SEC. 202. Section 9008(b) of the Internal Revenue Code of 1954 is amended by striking at the end thereof the figure "$2,000,000" and inserting in lieu thereof "$3,000,000".

MISCELLANEOUS AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 203. Section 3132(a)(1) of title 5, United States Code, is amended—

(1) by adding "or" after the semicolon at the end of subparagraph (B); and

(2) by adding the following new subparagraph at the end thereof:

"(C) the Federal Election Commission;".

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATES

2 USC 431 note.

SEC. 301. (a) Except as provided in subsection (b), the amendments made by this Act are effective upon enactment.

(b) For authorized committees of candidates for President and Vice President, section 304(b) of the Federal Election Campaign Act of 1971 shall be effective for elections occurring after January 1, 1981. *Ante*, p. 1348.

VOTING SYSTEM STUDY

2 USC 431 note.

Report to Congress.

SEC. 302. The Federal Election Commission, with the cooperation and assistance of the National Bureau of Standards, shall conduct a preliminary study with respect to the future development of voluntary engineering and procedural performance standards for voting systems used in the United States. The Commission shall report to the Congress the results of the study, and such report shall include recommendations, if any, for the implementation of a program of such standards (including estimates of the costs and time requirements of implementing such a program). The cost of the study shall be paid out of any funds otherwise available to defray the expenses of the Commission.

TRANSITION PROVISIONS

Proposed rules and regulations, transmittal to Congress.
2 USC 431 note.

SEC. 303. (a) The Federal Election Commission shall transmit to the Congress proposed rules and regulations necessary for the purpose of implementing the provisions of this Act, and the amendments made by this Act, prior to February 29, 1980.

(b) The provisions of section 311(d) of the Federal Election Campaign Act of 1971 allowing disapproval of rules and regulations by either House of Congress within 30 legislative days after receipt shall, with respect to rules and regulations required to be proposed under subsection (a) of this section, be deemed to allow such disapproval within 15 legislative days after receipt.

Ante, p. 1362.

Approved January 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-422 (Comm. on House Administration).
CONGRESSIONAL RECORD, Vol. 125 (1979):
  Sept. 10, considered and passed House.
  Dec. 18, considered and passed Senate, amended.
  Dec. 20, House agreed to Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 2:
  Jan. 8, Presidential statement.

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REORGANIZATION PLANS

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REORGANIZATION PLAN NO. 1 OF 1979

Prepared by the President and transmitted to the Senate and House of Representatives in Congress assembled, April 2, 1979, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

Office of the Federal Inspector for Construction of the Alaska Natural Gas Transportation System

5 USC app.; 15 USC 719e note.

Part I. Office of the Federal Inspector and Transfer of Functions

Section 101. *Establishment of the Office of Federal Inspector for the Alaska Natural Gas Transportation System*

(a) There is hereby established as an independent establishment in the executive branch, the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (the "Office").

(b) The Office shall be headed by a Federal Inspector for the Alaska Natural Gas Transportation System (the "Federal Inspector") who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter prescribed by law for Level III of the Executive Schedule, and who shall serve at the pleasure of the President.

5 USC 5314.

(c) Each Federal agency having statutory responsibilities over any aspect of the Alaska Natural Gas Transportation System shall appoint an Agency Authorized Officer to represent that authority on all matters pertaining to pre-construction, construction, and initial operation of the system.

Section 102. *Transfer of Functions to the Federal Inspector*

Subject to the provisions of Sections 201, 202, and 203 of this Plan, all functions insofar as they relate to enforcement of Federal statutes or regulations and to enforcement of terms, conditions, and stipulations of grants, certificates, permits and other authorizations issued by Federal agencies with respect to pre-construction, construction, and initial operation of an "approved transportation system" for transport of Canadian natural gas and "Alaskan natural gas," as such terms are defined in the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 *et seq.*), hereinafter called the "Act", are hereby transferred to the Federal Inspector. This transfer shall vest in the Federal Inspector exclusive responsibility for enforcement of all Federal statutes relevant in any manner to pre-construction, construction, and initial operation. With respect to each of the statutory authorities cited below, the transferred functions include all enforcement functions of the given agencies or their officials under the statutes as may be related to the enforcement of such terms, conditions, and stipulations, including but not limited to the specific sections of the statute cited. "Enforcement", for purposes of this transfer of functions, includes monitoring and any other compliance or oversight activities reasonably related to the enforcement process. These transferred functions include:

(a) Such enforcement functions of the Administrator or other appropriate official or entity in the Environmental Protection Agency related to compliance with: national pollutant discharge elimination system permits provided for in Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342); spill prevention, containment and countermeasure plans in Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); review of the Corps of Engineers' dredged and fill material permits issued under Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); new source performance standards in Section 111 of the Clean Air Act, as amended by the Clean Air Act Amendments of 1977 (42 U.S.C. 7411); prevention of significant deterioration review and approval in Sections 160–169 of the Clean Air Act, as amended by the Clean Air Amendments of 1977 (42 U.S.C. 7470 *et seq.*); and the resource conservation and recovery permits issued under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 *et seq.*);

(b) Such enforcement functions of the Secretary of the Army, the Chief of Engineers, or other appropriate officer or entity in the Corps of Engineers of the United States Army related to compliance with: dredged and fill material permits issued under Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and permits for structures in navigable waters, issued under Section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403);

(c) Such enforcement functions of the Secretary or other appropriate officer or entity in the Department of Transportation related to compliance with: the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671, *et seq.*) and the gas pipeline safety regulations issued thereunder; the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*) and authorizations and regulations issued thereunder; and permits for bridges across navigable waters, issued under Section 9 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401);

(d) Such enforcement functions of the Secretary or other appropriate officer or entity in the Department of Energy and such enforcement functions of the Commission, Commissioners, or other appropriate officer or entity in the Federal Energy Regulatory Commission related to compliance with: the certificates of public convenience and necessity, issued under Section 7 of the Natural Gas Act, as amended (15 U.S.C. 717f); and authorizations for importation of natural gas from Alberta as predeliveries of Alaskan gas issued under Section 3 of the Natural Gas Act, as amended (15 U.S.C. 717b);

(e) Such enforcement functions of the Secretary or other appropriate officer or entity in the Department of the Interior related to compliance with: grants of rights-of-way and temporary use permits for Federal land, issued under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185); land use permits for temporary use of public lands and other associated land uses, issued under Sections 302, 501, and 503–511 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1761, and 1763–1771); materials sales contracts under the Materials Act of 1947 (30 U.S.C. 601–603);

rights-of-way across Indian lands, issued under the Rights of Way Through Indian Lands Act (25 U.S.C. 321, *et seq.*); removal permits issued under the Materials Act of 1947 (30 U.S.C. 601–603); approval to cross national wildlife refuges, National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668jj) and the Upper Mississippi River Wildlife and Fish Refuge Act (16 U.S.C. 721–731); wildlife consultation in the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*); protection of certain birds in the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); Bald and Golden Eagles Protection Act (16 U.S.C. 668–668d); review of Corps of Engineers dredged and fill material permits issued under Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); rights-of-way across recreation lands issued under the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–4601–11); historic preservation under the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470–470f); permits issued under the Antiquities Act of 1906 (16 U.S.C. 432, 433); and system activities requiring coordination and approval under general authorities of the National Trails System Act, as amended (16 U.S.C. 1241–1249), the Wilderness Act, as amended (16 U.S.C. 1131–1136), the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271–1287), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the Act of April 27, 1935 (prevention of soil erosion) (16 U.S.C. 590a–f), and an Act to Provide for the Preservation of Historical and Archeological Data, as amended (16 U.S.C. 469–469c);

16 USC 460*l*-4-460*l*-11.

(f) Such enforcement functions of the Secretary or other appropriate officer or entity in the Department of Agriculture, insofar as they involve lands and programs under the jurisdiction of that Department, related to compliance with: associated land use permits authorized for and in conjunction with grants of rights-of-way across Federal lands issued under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185); land use permits for other associated land uses issued under Sections 501 and 503–511 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761, 1763–1771), under the Organic Administration Act of June 4, 1897, as amended (16 U.S.C. 473, 474–482, 551), and under Title III of the Bankhead-Jones Farm Tenant Act of 1937, as amended (7 U.S.C. 1010–1012); removal of materials under the Materials Act of 1947 (30 U.S.C. 601–603) and objects of antiquity under the Antiquities Act of 1906 (16 U.S.C. 432, 433); construction and utilization of national forest roads under the Roads and Trails System Act of 1964 (16 U.S.C. 532–538); and system activities requiring coordination and approval under general authorities of the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*); the Multiple Use-Sustained-Yield Act of 1960 (16 U.S.C. 528–531); the Forest and Rangelands Renewable Resources Planning Act of 1974 (16 U.S.C. 1601–1610); the National Trails System Act, as amended (16 U.S.C. 1241–1249); the Wilderness Act, as amended (16 U.S.C. 1131–1136); the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271–1287); the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460 *et seq.*); the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1151 *et seq.*); the Fish and Wildlife Coordination Act and Fish and Game Sanctuaries Act (16 U.S.C. 661 *et seq.* and 694, 694a–b, respectively); the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470–470f); an Act to Provide for the Preservation of Historical and Archeological Data, as amended (16 U.S.C. 469–469c); the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*); the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001 *et seq.*); the Soil and Water

16 USC 460*l*–4–460*l*–11.
33 USC 1251 *et seq.*

Conservation Act of 1977 (16 U.S.C. 2001 *et seq.*); and the Act of April 27, 1935 (prevention of soil erosion) (16 U.S.C. 590a–f);

(g) Such enforcement functions of the Secretary or other appropriate officer or entity in the Department of the Treasury related to compliance with permits for interstate transport of explosives and compliance with regulations for the storage of explosives, Title XI of the Organized Crime Control Act of 1970 (18 U.S.C. 841–848);

(h) (1) The enforcement functions authorized by, and supplemental enforcement authority created by the Act (15 U.S.C. 719 *et seq.*);

(2) All functions assigned to the person or board to be appointed by the President under Section 7(a)(5) of the Act (15 U.S.C. 719e); and

(3) Pursuant to Section 7(a)(6) of the Act (15 U.S.C. 719e), enforcement of the terms and conditions described in Section 5 of the *Decision and Report to the Congress on the Alaska Natural Gas Transportation System,* as approved by the Congress pursuant to Public Law 95–158 (91 Stat. 1268), November 2, 1977, (hereinafter the "*Decision*").

15 USC 719f note.

Part II. Other Provisions

Section 201. *Executive Policy Board*

The Executive Policy Board for the Alaska Natural Gas Transportation System, hereinafter the "Executive Policy Board", which shall be established by executive order, shall advise the Federal Inspector on the performance of the Inspector's functions. All other functions assigned, or which could be assigned pursuant to the *Decision,* to the Executive Policy Board are hereby transferred to the Federal Inspector.

Section 202. *Federal Inspector and Agency Authorized Officers*

(a) The Agency Authorized Officers shall be detailed to and located within the Office. The Federal Inspector shall delegate to each Agency Authorized Officer the authority to enforce the terms, conditions, and stipulations of each grant, permit, or other authorization issued by the Federal agency which appointed the Agency Authorized Officer. In the exercise of these enforcement functions, the Agency Authorized Officers shall be subject to the supervision and direction of the Federal Inspector, whose decision on enforcement matters shall constitute "action" for purposes of Section 10 of the Act (15 U.S.C. 719h).

(b) The Federal Inspector shall be responsible for coordinating the expeditious discharge of nonenforcement activities by Federal agencies and coordinating the compliance by all the Federal agencies with Section 9 of the Act (15 U.S.C. 719g). Such coordination shall include requiring submission of scheduling plans for all permits, certificates, grants or other necessary authorizations, and coordinating scheduling of system-related agency activities. Such coordination may include serving as the "one window" point for filing for and issuance of all necessary permits, certificates, grants or other authorizations, and, consistent with law, Federal government requests for data or information related to any application for a permit, certificate, grant or other authorization. Upon agreement between the Federal Inspector and the head of any agency, that agency may delegate to the Federal Inspector any statutory function vested in such agency related to the functions of the Federal Inspector.

(c) The Federal Inspector and Agency Authorized Officers in implementing the enforcement authorities herein transferred shall carry out the enforcement policies and procedures established by the Federal agencies which nominally administer these authorities, except where the Federal Inspector determines that such policies and procedures would require action inconsistent with Section 9 of the Act (15 U.S.C. 719g).

(d) Under the authority of Section 15 of the Act (15 U.S.C. 719m), the Federal Inspector will undertake to obtain appropriations for all aspects of the Federal Inspector's operations. Such undertaking shall include appropriations for all of the functions specified in the Act and in the general terms and conditions of the *Decision* as well as for the enforcement activities of the Federal Inspector. The Federal Inspector will consult with the various Federal agencies as to resource requirements for enforcing their respective permits and other authorizations in preparing a unified budget for the Office. The budget shall be reviewed by the Executive Policy Board.

Section 203. *Subsequent Transfer Provision*

(a) Effective upon the first anniversary of the date of initial operation of the Alaska Natural Gas Transportation System, the functions transferred by Section 102 of this Plan shall be transferred to the agency which performed the functions on the date prior to date the provisions of Section 102 of this Plan were made effective pursuant to Section 205 of this Plan.

(b) Upon the issuance of the final determination order by the Director of the Office of Management and Budget for the transfers provided for by subsection (a) of this section, the Office and the position of Federal Inspector shall, effective on the date of that order, stand abolished.

Section 204. *Incidental Transfers*

So much of the personnel, property, records and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this Plan, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate agency or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for the terminating of the affairs of the Office and the Federal Inspector upon their abolition pursuant to this Plan and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Plan.

Section 205. *Effective Date*

This Plan shall become effective at such time or times as the President shall specify, but not sooner than the earliest time allowable under Section

The requirements under 5 USC 906 were met on June 24, 1979. The plan became effective July 1, 1979.

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[1] As provided for by Executive Order 12142 (Vol. 15, Weekly Compilation of Presidential Documents, p. 1126; 15 USC 719e note).

LEGISLATIVE HISTORY:

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (1979):

Vol. 15, No. 14: Apr. 2, Presidential message transmitting Reorganization Plan No. 1 of 1979 to Congress. (Also printed as House Document No. 83.)

HOUSE REPORT No. 96-222 accompanying H. Res. 199 (Comm. on Government Operations).

SENATE REPORT No. 96-191 accompanying S. Res. 126 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Apr. 3, H. Res. 199, resolution of disapproval, introduced in House and referred to Committee on Government Operations.

Apr. 4, S. Res. 126, resolution of disapproval, introduced in Senate and referred to Committee on Government Operations.

May 23, S. Res. 126 rejected by Senate.

May 31, H. Res. 199 rejected by House.

REORGANIZATION PLAN NO. 2 OF 1979

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 10, 1979, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

5 USC app.; 22 USC 2381 note.

United States International Development Cooperation Agency

Effective date for Secs. 1, 5, 6, 8, Oct. 1, 1979.*

SECTION 1. *Establishment of the United States International Development Cooperation Agency*

There is hereby established in the executive branch an independent agency to be known as the United States International Development Cooperation Agency (hereinafter referred to as the "Agency").

Secs. 2, 3, 4, effective immediately.**

SECTION 2. *Director*

The Agency shall be headed by the Director of the United States International Development Cooperation Agency (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed by law for Level II of the Executive Schedule. The Director shall have primary responsibility for establishing overall development assistance policy and coordinating international development activities supported by the United States. The Director shall serve as the principal advisor to the President and the Secretary of State on international development matters and also shall advise the President on all trade, science and technology, and other matters significantly affecting the developing nations. The Director shall report to the President and, on matters relating to foreign policy, to the Secretary of State. The Director shall designate the order in which other officials shall act for and exercise the powers of the Director during the absence or disability of the Director and the Deputy Director or in the event of vacancies in both such offices.

5 USC 5313.

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[1] As amended May 21, 1979.

*As provided for by Executive Order 12163 (Vol. 15, Weekly Compilation of Presidential Documents, p. 1793; 22 USC 2381 note).

**As provided for by Executive Order 12147 (Vol. 15, Weekly Compilation of Presidential Documents, p. 1272; 22 USC 2381 note).

SECTION 3. *Deputy Director*

The President, by and with the advice and consent of the Senate, may appoint a Deputy Director of the Agency, who shall receive compensation at the rate prescribed by law for Level III of the Executive Schedule. 5 USC 5314. The Deputy Director shall perform such duties and exercise such powers as the Director may from time to time prescribe and, in addition, shall act for and exercise the powers of the Director during the absence or disability of the Director or during a vacancy in such office.

SECTION 4. *Associate Directors*

The President, by and with the advice and consent of the Senate, may appoint two Associate Directors of the Agency, who shall perform such duties and exercise such powers as the Director may from time to time prescribe and who shall receive compensation at the rate prescribed by law for Level IV of the Executive Schedule. 5 USC 5315.

SECTION 5. *Performance of functions*

The Director may from time to time establish, alter, consolidate, or discontinue organizational units within the Agency (other than units expressly established by statute or reorganization plan). The Director may from time to time delegate responsibility for carrying out any function or authority of the Director of the Agency to any officer, employee, or unit of the Agency, or any other officer or agency of the executive branch.

SECTION 6. *Transfers of functions*

(a) There are hereby transferred to the Director all functions and authorities vested in the Agency for International Development or in its administrator pursuant to the following:

(1) sections 233(b), 239(i), 296(e), 297(d), 298(c)(6), 299(d), 601(a) through (d), and 624(f)(2)(C) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2193(b), 2199(i), 2220a(e), 2220b(d), 2220c(c)(6), 2220d(d), 2351(a) through (d), and 2384(f)(2)(C));

(2) section 407 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1736a); and

(3) section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979 (49 U.S.C. 1518).

(b) There are hereby transferred to the Director all functions and authorities vested in the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, as amended, or in its Administrator 22 USC 2151. pursuant to the following:

(1) sections 101(b), 119, 125, 531(a)(2), 601(e)(2), and 640B of such Act (22 U.S.C. 2151(b), 2151q, 2151w, 2346(a)(2), 2351(e)(2), and 2399c); and

(2) section 602 of the International Security Assistance and Arms Control Act of 1976 (22 U.S.C. 2352 note).

(c) There are hereby transferred to the Director all functions and authorities vested in the Secretary of State pursuant to the following:

(1) section 101(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151(b)), insofar as it relates to policy guidance other than foreign policy guidance, and section 622(c) of such Act (22 U.S.C. 2382(c)), insofar as it relates to development assistance; and

(2) section 901 of Public Law 95-118 (22 U.S.C. 262g).

SECTION 7. *Abolition*

One of the positions that the President may appoint under section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a), 5 U.S.C. 5315(5)) is hereby abolished.

SECTION 8. *Other transfers; interim officers*

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions and authorities affected by the establishment of the Agency, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate agency or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agency abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this reorganization plan.

(b) Pending the initial appointment of the Director, Deputy Director, and Associate Directors of the Agency, their functions and authorities may be performed, for up to 60 days after section 1 of this reorganization plan becomes effective, by such individuals as the President may designate. Any individual so designated shall be compensated at the rate provided herein for the position whose functions and authorities such individual performs.

SECTION 9. *Effective date*

The requirements under 5 USC 906 were met on July 12, 1979.

This reorganization plan shall become effective on July 1, 1980, or at such earlier time or times as the President shall specify, but not sooner than the earliest time allowable under section 906 of title 5 of the United States Code.

LEGISLATIVE HISTORY:

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (1979):

Vol. 15, No. 15: Apr. 10, Presidential message transmitting Reorganization Plan No. 2 of 1979 to Congress. (Also printed as House Document No. 96-94.)

Vol. 15, No. 21: May 21, Presidential message transmitting an amendment to Reorganization Plan No. 2 of 1979 to Congress. (Also printed as House document No. 96-127.)

HOUSE REPORT No. 96-284 accompanying H. Res. 231 (Comm. on Government Operations).

SENATE REPORT No. 96-210 accompanying S. Res. 140 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Apr. 24, S. Res. 140, resolution of disapproval, introduced in Senate and referred to Committee on Governmental Affairs.

Apr. 24, H. Res. 231, resolution of disapproval, introduced in House and referred to Committee on Government Operations.

July 9, S. Res. 140, rejected by Senate.

July 11, H. Res. 231, rejected by House.

REORGANIZATION PLAN NO. 3 OF 1979

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, September 25, 1979, pursuant to the provisions of chapter 9 of title 5 of the United States Code.

Reorganization of Functions Relating to International Trade

5 USC app.; 19 USC 2171 note.

SECTION 1. *Office of the United States Trade Representative*

Effective date for Secs. 1, 2(a), (b)(2), (c), (d), 3, 4, 5(a), (b)(2), (c)–(e), 6–8, Jan. 2, 1980.*

(a) The Office of the Special Representative for Trade Negotiations is redesignated the Office of the United States Trade Representative.

(b)(1) The Special Representative for Trade Negotiations is redesignated the United States Trade Representative (hereinafter referred to as the "Trade Representative"). The Trade Representative shall have primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872) (hereinafter referred to as the "Committee"), for developing, and for coordinating the implementation of, United States international trade policy, including commodity matters and, to the extent they are related to international trade policy, direct investment matters. The Trade Representative shall serve as the principal advisor to the President on international trade policy and shall advise the President on the impact of other policies of the United States Government on international trade.

(2) The Trade Representative shall have lead responsibility for the conduct of international trade negotiations, including commodity and direct investment negotiations in which the United States participates.

(3) To the extent necessary to assure the coordination of international trade policy, and consistent with any other law, the Trade Representative, with the advice of the Committee, shall issue policy guidance to departments and agencies on basic issues of policy and interpretation arising in the exercise of the following international trade functions. Such guidance shall determine the policy of the United States with respect to international trade issues arising in the exercise of such functions:

(A) matters concerning the General Agreement on Tariffs and Trade, including implementation of the trade agreements set forth in section 2(c) of the Trade Agreements Act of 1979; United States Government positions on trade and commodity matters dealt with by the Organization for Economic Cooperation and Development, the United Nations Conference on Trade and Development, and other multilateral organizations; and the assertion and protection of the rights of the United States under bilateral and multilateral international trade and commodity agreements;

Ante, p. 147.

(B) expansion of exports from the United States;

(C) policy research on international trade, commodity, and direct investment matters;

(D) to the extent permitted by law, overall United States policy with regard to unfair trade practices, including enforcement of countervailing duties and antidumping functions under section 303 and title VII of the Tariff Act of 1930;

19 USC 1303; *ante*, p. 151.

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*As provided for by Executive Order 12188 (Vol. 16, Weekly Compilation of Presidential Documents, p. 7; 19 USC 2171 note).

(E) bilateral trade and commodity issues, including East-West trade matters; and

(F) international trade issues involving energy.

(4) All functions of the Trade Representative shall be conducted under the direction of the President.

(c) The Deputy Special Representatives for Trade Negotiations are redesignated Deputy United States Trade Representatives.

Sec. 2(b)(1), effective immediately.*

SECTION 2. *Department of Commerce*

(a) The Secretary of Commerce (hereinafter referred to as the "Secretary") shall have, in addition to any other functions assigned by law, general operational responsibility for major nonagricultural international trade functions of the United States Government, including export development, commercial representation abroad, the administration of the antidumping and countervailing duty laws, export controls, trade adjustment assistance to firms and communities, research and analysis, and monitoring compliance with international trade agreements to which the United States is a party.

(b)(1) There shall be in the Department of Commerce (hereinafter referred to as the "Department") a Deputy Secretary appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall receive compensation at the rate payable for Level II of the Executive Schedule, and shall perform such duties and exercise such powers as the Secretary may from time to time prescribe. 5 USC 5313.

(2) The position of Under Secretary of Commerce established under section 1 of the Act of June 5, 1939 (ch. 180, 53 Stat. 808; 15 U.S.C. 1502) is abolished.

(c) There shall be in the Department an Under Secretary for International Trade appointed by the President, by and with the advice and consent of the Senate. The Under Secretary for International Trade shall receive compensation at the rate payable for Level III of the Executive Schedule, and shall perform such duties and exercise such powers as the Secretary may from time to time prescribe. 5 USC 5314.

(d) There shall be in the Department two additional Assistant Secretaries appointed by the President, by and with the advice and consent of the Senate. Each such Assistant Secretary shall receive compensation at the rate payable for Level IV of the Executive Schedule, and shall perform such duties and exercise such powers as the Secretary may from time to time prescribe. 5 USC 5315.

SECTION 3. *Export-Import Bank of the United States*

The Trade Representative and the Secretary shall serve, ex officio and without vote, as additional members of the Board of Directors of the Export-Import Bank of the United States.

SECTION 4. *Overseas Private Investment Corporation*

(a) The Trade Representative shall serve, ex officio, as an additional voting member of the Board of Directors of the Overseas Private Investment Corporation. The Trade Representative shall be the Vice Chair of such Board.

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*As provided for by Executive Order 12175 (Vol. 15, Weekly Compilation of Presidential Documents, p. 2201: 19 USC 2171 note).

(b) There shall be an additional member of the Board of Directors of the Overseas Private Investment Corporation who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall not be an official or employee of the Government of the United States. Such Director shall be appointed for a term of no more than three years.

SECTION 5. *Transfer of Functions*

(a)(1) There are transferred to the Secretary all functions of the Secretary of the Treasury, the General Counsel of the Department of the Treasury, or the Department of the Treasury pursuant to the following:

(A) section 305(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(b)), to be exercised in consultation with the Secretary of the Treasury;

(B) section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862);

(C) section 303 and title VII (including section 771(1)) of the Tariff Act of 1930 (19 U.S.C. 1303, 1671 *et seq.*), except that the Customs Service of the Department of the Treasury shall accept such deposits, bonds, or other security as deemed appropriate by the Secretary, shall assess and collect such duties as may be directed by the Secretary, and shall furnish such of its important records or copies thereof as may be requested by the Secretary incident to the functions transferred by this subparagraph;

(D) sections 514, 515, and 516 of the Tariff Act of 1930 (19 U.S.C. 1514, 1515, and 1516) insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979; *Ante*, p. 306.

(E) with respect to the functions transferred by subparagraph (C) of this paragraph, section 318 of the Tariff Act of 1930 (19 U.S.C. 1318), to be exercised in consultation with the Secretary of the Treasury;

(F) with respect to the functions transferred by subparagraph (C) of this paragraph, section 502(b) of the Tariff Act of 1930 (19 U.S.C. 1502(b)), and, insofar as it provides authority to issue regulations and disseminate information, to be exercised in consultation with the Secretary of the Treasury to the extent that the Secretary of the Treasury has responsibility under subparagraph (C), section 502(a) of such Act (19 U.S.C. 1502(a));

(G) with respect to the functions transferred by subparagraph (C) of this paragraph, section 617 of the Tariff Act of 1930 (19 U.S.C. 1617); and

(H) section 2632(e) of title 28 of the United States Code, insofar as it relates to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516(a)).

(2) The Secretary shall consult with the Trade Representative regularly in exercising the functions transferred by subparagraph (C) of paragraph (1) of this subsection, and shall consult with the Trade Representative regarding any substantive regulation proposed to be issued to enforce such functions.

(b) (1) There are transferred to the Secretary all trade promotion and commercial functions of the Secretary of State or the Department of State that are—

(A) performed in full-time overseas trade promotion and commercial positions; or

(B) performed in such countries as the President may from time to time prescribe.

(2) To carry out the functions transferred by paragraph (1) of this subsection, the President, to the extent he deems it necessary, may authorize the Secretary to utilize Foreign Service personnel authorities and to exercise the functions vested in the Secretary of State by the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*) and by any other laws with respect to personnel performing such functions.

(c) There are transferred to the President all functions of the East-West Foreign Trade Board under section 411(c) of the Trade Act of 1974 (19 U.S.C. 2441(c)).

(d) Appropriations available to the Department of State for Fiscal Year 1980 for representation of the United States concerning matters arising under the General Agreement on Tariffs and Trade and trade and commodity matters dealt with under the auspices of the United Nations Conference on Trade and Development are transferred to the Trade Representative.

(e) There are transferred to the interagency organization established under section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872) all functions of the East-West Foreign Trade Board under section 411 (a) and (b) of the Trade Act of 1974 (19 U.S.C. 2441 (a) and (b)).

SECTION 6. *Abolition*

The East-West Foreign Trade Board established under section 411 of the Trade Act of 1974 (19 U.S.C. 2441) is abolished.

SECTION 7. *Responsibility of the Secretary of State*

Nothing in this reorganization plan is intended to derogate from the responsibility of the Secretary of State for advising the President on foreign policy matters, including the foreign policy aspects of international trade and trade-related matters.

SECTION 8. *Incidental transfers; interim officers*

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the appropriate agency, organization, or component at such time or times as such Director shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation originally was made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agency abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of the reorganization plan.

(b) Pending the assumption of office by the initial officers provided for in section 2 of this reorganization plan, the functions of each such office may be performed, for up to a total of 60 days, by such individuals as the President may designate. Any individuals so designated shall be compensated at the rate provided herein for such position.

SECTION 9. *Effective date*

The provisions of this reorganization plan shall take effect October 1, 1980, or at such earlier time or times as the President shall specify, but not sooner than the earliest time allowable under section 906 of title 5 of the United States Code.

The requirements under 5 USC 906 were met on Nov. 29, 1979.

LEGISLATIVE HISTORY:

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (1979):

Vol. 15, No. 39: Sept. 25, Presidential message transmitting Reorganization Plan No. 3 of 1979 to Congress.
HOUSE REPORT No. 96-585 accompanying H. Res. 428 (Comm. on Government Operations).
SENATE REPORT No. 96-402 accompanying S. Res. 245 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 26, S. Res. 245, resolution of disapproval, introduced in Senate and referred to Committee on Governmental Affairs.
Sept. 26, H. Res. 428, resolution of disapproval, introduced in House and referred to Committee on Government Operations.
Nov. 8, H. Res. 428 rejected by House.

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PRIVATE LAWS

FIRST SESSION, NINETY-SIXTH CONGRESS

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Private Law 96-1
96th Congress

An Act

For the relief of Joseph J. Andrews.

Aug. 13, 1979
[H.R. 896]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and hereby is authorized and directed to settle and adjust the claim of Joseph J. Andrews, an employee of the General Services Administration, for reimbursement of the amount he was required to pay in legal fees for preparation of his defense to a civil suit instituted against him by Burman Anderson. An amount not to exceed $225 may be allowed in full and final settlement of the claim. There is appropriated out of money in the Treasury not otherwise appropriated the sum of $225 for payment of said claim. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Joseph J. Andrews.

Approved August 13, 1979.

Private Law 96-2
96th Congress

An Act

For the relief of Mr. and Mrs. Aaron Wayne Ogburn.

Aug. 13, 1979
[H.R. 899]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and hereby is authorized and directed to settle and adjust the claim of Mr. and Mrs. Aaron Wayne Ogburn, for reimbursement of the amount they were required to pay for shipment of a privately owned vehicle from Germany to the United States incident to a permanent change of duty station. An amount not to exceed $446.45 may be allowed in full and final settlement of the claim. There is appropriated out of money in the Treasury not otherwise appropriated the sum of $446.45 for payment of said claim. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. and Mrs. Aaron W. Ogburn.

Approved August 13, 1979.

Private Law 96-3
96th Congress

An Act

Aug. 13, 1979
[H.R. 932]

For the relief of Doris Mauri Coonrad.

Doris M. Coonrad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitation in section 2733(b)(1) of title 10, United States Code, the claim of Doris Mauri Coonrad of Woodside, California, against the United States for injuries she sustained in an accident of February 27, 1968, in Monrovia, Liberia, involving a motor vehicle driven by her and a motor vehicle owned by the United States Army and driven by a member of the 72d Army Engineers Mapping Unit of the United States Army, shall be considered to be a timely claim for purposes of section 2733 of title 10, United States Code, if such claim is presented in writing not later than 180 days after the date of the enactment of this Act.

Approved August 13, 1979.

Private Law 96-4
96th Congress

An Act

Aug. 13, 1979
[H.R. 1158]

For the relief of James C. Wilkinson.

James C. Wilkinson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. James C. Wilkinson, 3201 Applewood, Grand Junction, Colorado 81501, the sum of $511.34, in full satisfaction of his claim against the United States for reimbursement for travel and temporary quarters expenses incurred by him incident to his change of official station from Phoenix, Arizona, to Fairbanks, Alaska, in January 1973. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved August 13, 1979.

Private Law 96-5
96th Congress

An Act

For the relief of Leah Mi Cohen.

Oct. 4, 1979
[S. 275]

Leah Mi Cohen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Leah Mi Cohen may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Edward Cohen and Alberta Cohen, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved October 4, 1979.

Private Law 96-6
96th Congress

An Act

For the relief of Eun Kyung Cho and Hei Kyung Cho.

Oct. 19, 1979
[H.R. 929]

Eun Kyung Cho and Hei Kyung Cho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eun Kyung Cho and Hei Kyung Cho may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Mr. and Mrs. Anthony Graffeo, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved October 19, 1979.

Private Law 96-7
96th Congress

An Act

For the relief of Maria Estela Sims.

Oct. 19, 1979
[H.R. 946]

Maria Estela Sims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Estela Sims may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf of Mr. and Mrs. Robert Sims, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved October 19, 1979.

Private Law 96-8
96th Congress

An Act

Oct. 19, 1979
[H.R. 1153]

For the relief of Nyoman Rahmawati.

Nyoman Rahmawati.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Nyoman Rahmawati may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Marilyn and C. Richard Eckroth, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.
8 USC 1154.

Approved October 19, 1979.

Private Law 96-9
96th Congress

An Act

Oct. 19, 1979
[H.R. 1163]

For the relief of Gladys Venicia Cruz-Sanchez.

Gladys Venicia Cruz-Sanchez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Gladys Venicia Cruz-Sanchez may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Samuel J. Payne and Ida M. Payne, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.
8 USC 1154.

Approved October 19, 1979.

Private Law 96-10
96th Congress

An Act

Oct. 19, 1979
[H.R. 1486]

For the relief of Dang Petersen.

Dang Petersen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Dang Petersen may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Staff Sergeant and Mrs. Ronald F. Petersen, a citizen of the United States and a lawful resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be awarded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.
8 USC 1154.

Approved October 19, 1979.

Private Law 96-11
96th Congress

An Act

For the relief of Susan Katherine Adamski.

Oct. 19, 1979
[H.R. 1628]

Susan Katherine Adamski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of the Immigration and Nationality Act, Susan Katherine Adamski shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

8 USC 1153.

8 USC 1152.

Approved October 19, 1979.

Private Law 96-12
96th Congress

An Act

For the relief of Antonio Rivera Aristizabal.

Oct. 19, 1979
[H.R. 2098]

Antonio Rivera Aristizabal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Antonio Rivera Aristizabal may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Gustavo Aristizabal, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved October 19, 1979.

Private Law 96-13
96th Congress

An Act

Oct. 19, 1979
[H.R. 3142]

For the relief of Michael Carl Brown.

Michael Carl Brown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Michael Carl Brown may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Sylvester and Iris Brown, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.
8 USC 1154.

Approved October 19, 1979.

Private Law 96-14
96th Congress

An Act

Oct. 19, 1979
[H.R. 3146]

For the relief of Patrick A. and Wayne L. Thomas.

Patrick A. and Wayne L. Thomas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Wayne Lloyd Thomas and Patrick Anthony Thomas may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Mr. and Mrs. Keith Stewart, a lawful resident alien and a citizen of the United States, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.
8 USC 1154.

Approved October 19, 1979.

Private Law 96-15
96th Congress

An Act

Oct. 19, 1979
[H.R. 3218]

For the relief of Rebecca Sevilla DeJesus.

Rebecca Sevilla DeJesus.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Rebecca Sevilla DeJesus shall be held and considered to be an immediate relative as defined in section 201(b) of the Act, upon approval of a petition filed in her behalf, pursuant to section 204 of the Act, by Dione Maceda, a citizen of the United States.

8 USC 1151.
8 USC 1154.

Approved October 19, 1979.

Private Law 96-16
96th Congress

An Act

For the relief of Sergio and Javier Arredondo.

Oct. 22, 1979
[H.R. 1753]

Sergio and Javier Arredondo.

8 USC 1101.

8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Sergio and Javier Arredondo may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by Mr. Rudolph Albores, a citizen of the United States, and his wife, Dolores Albores, a lawful permanent resident of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved October 22, 1979.

Private Law 96-17
96th Congress

An Act

For the relief of Rodney L. Herold and others.

Oct. 23, 1979
[H.R. 898]

Rodney L. Herold and others, relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the following-named persons is relieved of all liability to repay the United States the amount which appears beside his name:

July 1976—(3)	Indebtedness
Herold, Rodney L	$2,018.25
Christiansen, Albert L	1,254.50
Goodrich, Edward E	101.41
August 1976—(2)	
Butler, Kenneth E	1,808.25
Reynard, Allen H	1,310.50
September 1976—(1)	
Fish, Donald D	1,182.00
January 1977—(11)	
Robertson, Steve A	2,302.01
Alton, David W	1,890.52
Larson, George J	1,653.39
Dow, William R	1,626.11
Holly, Daniel L	1,475.07
Jelinski, Donald E	1,412.13
Kocher, Leland	797.37
Gonsalves, Carl R	712.07
McGuire, George E	617.25
Tonkin, Herbert E	435.45
Nickell, Virgil L	194.08

Such amounts represent overpayments of per diem allowances as a result of administrative failures in implementing a regulatory change in the per diem rate by officials of the United States Government against the above-named civilian employees of the Department of the Navy who were performing extended temporary

duty training assignments during the period July 1976 to July 1977. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Approved October 23, 1979.

Private Law 96-18
96th Congress

An Act

Nov. 16, 1979
[H.R. 3319]

For the relief of Jose Quintana Dominguez Sendejas.

Jose Quintana Dominguez Sendejas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jose Quintana Dominguez Sendejas may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Rudy Leon and Joann Sendejas, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

Approved November 16, 1979.

Private Law 96-19
96th Congress

An Act

Dec. 5, 1979
[S. 132]

For the relief of Dirk Vierkant.

Dirk Vierkant.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Dirk Vierkant shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

8 USC 1153.

Approved December 5, 1979.

Private Law 96-20
96th Congress

An Act

For the relief of Jerry W. Manandic and Ceferino W. Manandic.

Dec. 5, 1979
[S. 151]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jerry W. Manandic and Ceferino W. Manandic may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by Mr. and Mrs. Jose Manandic, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Jerry W. and Ceferino W. Manandic.

8 USC 1101.

8 USC 1154.

Approved December 5, 1979.

Private Law 96-21
96th Congress

An Act

For the relief of Janet Abraham, also known as Janet Susan Abraham.

Dec. 5, 1979
[S. 170]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Janet Abraham, also known as Janet Susan Abraham, shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Mr. and Mrs. Vicente T. Abraham, citizens of the United States, pursuant to section 204 of such Act. The natural parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Janet Abraham.

8 USC 1101.

8 USC 1154.

Approved December 5, 1979.

Private Law 96-22
96th Congress

An Act

For the relief of Jung-Sook Mun.

Dec. 5, 1979
[H.R. 4483]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jung-Sook Mun shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Robert White and Patricia White, citizens of the United States, pursuant to section 204 of such Act. The natural parents, brothers, and sisters of Jung-Sook Mun shall not, by virtue of their relationship to her, be accorded any right, privilege, or status under such Act.

Jung-Sook Mun.

8 USC 1101.

8 USC 1154.

Approved December 5, 1979.

Private Law 96-23
96th Congress

An Act

Dec. 20, 1979
[H.R. 1888]

For the relief of Kenneth and Jacqueline Traylar.

Kenneth and Jacqueline Traylar.

8 USC 1101.

8 USC 1154.

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the Immigration and Nationality Act, Kenneth Traylar and Jacqueline Traylar may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Jerome and Louise Traylar, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.**

Approved December 20, 1979.

Private Law 96-24
96th Congress

An Act

Dec. 20, 1979
[H.R. 2594]

For the relief of Lunette Joyce Clarke.

Lunette Joyce Clarke.

8 USC 1101.

8 USC 1154.

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the Immigration and Nationality Act, Lunette Joyce Clarke may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Maud Lyn Clarke, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.**

Approved December 20, 1979.

Private Law 96-25
96th Congress

An Act

Dec. 20, 1979
[S. 2145]

To authorize the burial of Elizabeth Myers McNeil in the Veals Chapels Cemetery, Fort Jackson, South Carolina.

Elizabeth Myers McNeil.

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of law, the remains of Elizabeth Myers McNeil, late a resident of Columbia, South Carolina, may be buried in the Veals Chapels Cemetery located on the grounds of Fort Jackson, South Carolina, her late husband, Winford McNeil, already being buried in such cemetery.**

Approved December 20, 1979.

Private Law 96-26
96th Congress

An Act

For the relief of Caroline M. Babcock.

Dec. 21, 1979
[H.R. 1616]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Caroline M. Babcock, supervisory accounting technician for the Twelfth Coast Guard District, San Francisco, California, is relieved of liability for the payment to the United States of the sum of $8,000. Such sum represents the amount of funds missing on the morning of November 9, 1974, from a safe for which Caroline M. Babcock, as supervisory accounting technician, was responsible. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given to Caroline M. Babcock for the amount for which liability is relieved by this Act.

Caroline M. Babcock.

SEC. 2. (a) If any part of the amount specified in the first section of this Act has been received or withheld from Caroline M. Babcock in connection with the liability relieved under the first section of this Act, the Secretary of the Treasury shall pay to her such amount out of any funds in the Treasury not otherwise appropriated.

(b) No amount in excess of 10 per centum of any appropriation made under subsection (a) of this section shall be paid to or received by any attorney for services rendered in connection with such appropriation. Any person violating this subsection shall be fined not more than $1,000.

Approved December 21, 1979.

Private Law 96-27
96th Congress

An Act

For the relief of Naomi Chen.

Dec. 21, 1979
[H.R. 1889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Naomi Chen may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in her behalf by Jacob and Yolanda Chen, lawful permanent residents of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Naomi Chen.

8 USC 1101.

8 USC 1154.

Approved December 21, 1979.

Private Law 96-28
96th Congress

An Act

Dec. 21, 1979
[H.R. 2477]

For the relief of Jesus Reveles y Rivera.

Jesus Reveles y Rivera.

8 USC 1101.

8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That, in the administration of the Immigration and Nationality Act, Jesus Reveles y Rivera may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Cliff Rodrigues, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.**

Approved December 21, 1979.

Private Law 96-29
96th Congress

An Act

Dec. 21, 1979
[H.R. 2532]

For the relief of Gail Williamson.

Gail Williamson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That notwithstanding the time limitation of section 2401(b) of title 28, United States Code, or any other provision of law, and subject to the provisions of sections 2 and 3 of this Act, the United States District Court for the Eastern District of California shall have jurisdiction to hear, determine, and render judgment on any claim of or on behalf of Gail Williamson of Bakersfield, California, against the United States for personal injuries which she allegedly sustained in an accident on November 12, 1972, on Government property in China Lake, California.**

SEC. 2. Any determination of any claim described in the first section of this Act, any review of such claim, and any payment of any judgment thereon, shall be made in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28, United States Code, including the provisions of section 2675 of such title requiring disposition of claims by an appropriate Federal agency.

SEC. 3. Any claim under this Act shall be barred unless it is filed with the appropriate Federal agency, pursuant to section 2675 of title 28, United States Code, within six months after the date of the enactment of this Act, and such claim, if filed within such six-month period, shall be considered to have been filed in a timely manner, notwithstanding the time limitation of section 2401(b) of such title.

SEC. 4. Nothing in this Act shall be construed as an inference or admission of liability by the United States.

Approved December 21, 1979.

Private Law 96-30
96th Congress

An Act

For the relief of Elizabeth Berwick and Alexander Berwick, her husband.

Dec. 27, 1979
[H.R. 887]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the time limitation of section 2401(b) of title 28, United States Code, or any other provision of law, and subject to the provisions of sections 2 and 3 of this Act, the United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on any claim of Elizabeth Berwick and Alexander Berwick, her husband, of Eustis, Florida, against the United States for personal injuries which Elizabeth Berwick allegedly suffered as a result of negligent diagnosis or treatment, or both, provided by the United States Navy during the period beginning on or about January 1, 1971, and ending on July 31, 1975.

Elizabeth and Alexander Berwick.

SEC. 2. Any determination of any claim described in the first section of this Act, any review of such claim, and any payment of any judgment thereon, shall be made in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28, United States Code, including the provisions of section 2675 of such title requiring disposition of claims by an appropriate Federal agency.

28 USC 2675.

SEC. 3. Any claim under this Act shall be barred unless it is filed with the appropriate Federal agency, pursuant to section 2675 of title 28, United States Code, within six months after the date of the enactment of this Act, and such claim, if filed within such six-month period, shall be considered to have been filed in a timely manner, notwithstanding the time limitation of section 2401(b) of such title.

28 USC 2401.

SEC. 4. Nothing in this Act shall be construed as an inference or admission of liability by the United States.

Approved December 27, 1979.

Private Law 96-31
96th Congress

An Act

For the relief of Russell W. Allen.

Dec. 27, 1979
[H.R. 2531]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, an amount not to exceed $52,703, to be determined by the Secretary of Agriculture to Russell W. Allen of Presque Isle, Maine, in compensation for business losses incurred, through no fault of his own, during calendar years 1976 and 1977, directly resulting from the restrictions placed on the interstate movement of claimant's seed potatoes by the United States Department of Agriculture. This amount shall be in full and complete settlement of any and all claims against the United States for the calendar years 1976 and 1977, based upon the exercise of authority under the Federal Plant Pest Act of 1957 (7 U.S.C. 150dd; 71 Stat. 32).

Russell W. Allen.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 27, 1979.

Private Law 96-32
96th Congress

An Act

Dec. 28, 1979
[H.R. 894]

For the relief of Gina Marie S. Hernandez.

Gina Marie S. Hernandez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Gina Marie S. Hernandez may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Baltazar P. Hernandez, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 28, 1979.

Private Law 96-33
96th Congress

An Act

Dec. 28, 1979
[H.R. 900]

For the relief of Grace Maria Salazar Santos.

Grace Maria Salazar Santos.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Grace Maria Salazar Santos may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Dora Salazar, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act: *Provided further,* That any fee received by any agent or attorney on account of services rendered relating to the introduction of this bill shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

8 USC 1101.

8 USC 1154.

Approved December 28, 1979.

Private Law 96–34
96th Congress

An Act

For the relief of Maryrose and Rosemary Evangelista.

Dec. 28, 1979
[H.R. 918]

Maryrose and Rosemary Evangelista.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maryrose and Rosemary Evangelista may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Frank and Noemi Quijano, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.
8 USC 1154.

Approved December 28, 1979.

Private Law 96–35
96th Congress

An Act

For the relief of Pang Chong Ae.

Dec. 28, 1979
[H.R. 1283]

Pang Chong Ae.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Pang Chong Ae shall be held and considered to be the natural-born alien daughter of Daniel and Roslyn Schwartz, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1153, 1154.

Approved December 28, 1979.

Private Law 96–36
96th Congress

An Act

For the relief of In Sun Pineiro.

Dec. 28, 1979
[H.R. 1489]

In Sun Pineiro.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, In Sun Pineiro, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

8 USC 1151.
8 USC 1154.

Approved December 28, 1979.

Private Law 96-37
96th Congress

An Act

Dec. 28, 1979
[H.R. 1827]

For the relief of Emiko Okuma Colona.

Emiko Okuma Colona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Emiko Okuma Colona may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. George S. Colona, Junior, a citizen and a lawful permanent resident of the United States, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 28, 1979.

Private Law 96-38
96th Congress

An Act

Dec. 28, 1979
[H.R. 1887]

For the relief of Solomon Mani.

Solomon Mani.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Solomon Mani may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1182.

8 USC 1183.

Approved December 28, 1979.

Private Law 96-39
96th Congress

An Act

Dec. 28, 1979
[H.R. 3234]

For the relief of Rodolfo Jose Kozul.

Rodolfo Jose Kozul.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rodolfo Jose Kozul may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed on his behalf by Robert Berrellez, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 28, 1979.

Private Law 96-40
96th Congress

An Act

For the relief of Eileen Ferraren Fair.

Dec. 28, 1979
[H.R. 3320]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eileen Ferraren Fair may be classified as a child within the meaning of section 101(b)(1)(F) of the Act (8 U.S.C. 1101(b)(1)(F)), upon approval of a petition filed in her behalf by Ilia Fair and Clarence E. Fair, citizens of the United States, pursuant to section 204 of the Act (8 U.S.C. 1154): *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Eileen Ferraren Fair.

Approved December 28, 1979.

Private Law 96-41
96th Congress

An Act

For the relief of John A. Townsley.

Dec. 29, 1979
[H.R. 901]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John A. Townsley is relieved of liability to the United States in the amount of $581.28, representing overpayments of compensation paid due to administrative error to John A. Townsley prior to July 1, 1960, while employed in the National Park Service of the Department of the Interior. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

John A. Townsley.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Townsley, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 29, 1979.

Private Law 96-42
96th Congress

An Act

Dec. 29, 1979
[H.R. 1619]

For the relief of Rolando R. Gaza, Teresita C. Gaza, and Rolynne Therese Gaza.

Rolando R. Gaza, Teresita C. Gaza, and Rolynne Therese Gaza.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rolando R. Gaza, Teresita C. Gaza, and Rolynne Therese Gaza shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of each alien's birth under section 203(a) of the Immigration and Nationality Act and, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

8 USC 1153.

8 USC 1152.

Approved December 29, 1979.

Private Law 96-43
96th Congress

An Act

Dec. 29, 1979
[H.R. 2593]

For the relief of Mariana de Jesus Roca and Francisco Rubira Roca.

Mariana de Jesus Roca and Francisco Rubira Roca.
8 USC 1101.

8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mariana de Jesus Roca and Francisco Rubira Roca may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by Raul Roca, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 29, 1979.

CONCURRENT RESOLUTIONS

FIRST SESSION, NINETY-SIXTH CONGRESS

JOINT MEETING

Jan. 18, 1979
[H. Con. Res. 1]

Resolved by the House of Representatives (the Senate concurring), **That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 23, 1979, at 9 o'clock postmeridian for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.**

Communications from President.

Passed January 18, 1979.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Feb 7, 1979
[H. Con. Res. 42]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 8, 1979, it stand adjourned until 12 o'clock meridian on Tuesday, February 13, 1979, and that when the Senate recesses on Friday, February 9, 1979, it stand in recess until 12 o'clock meridian on Monday, February 19, 1979.

Passed February 7, 1979.

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST—CEREMONY IN CAPITOL ROTUNDA

Mar. 26, 1979
[S. Con. Res. 16]

Whereas, Public Law 95-371 designates April 28 and 29 of 1979 as "Days of Remembrance of Victims of the Holocaust";

Whereas, on November 1, 1978, the President of the United States established the President's Commission on the Holocaust, which was charged with the responsibility of recommending appropriate ways for the Nation to commemorate the Days of Remembrance of Victims of the Holocaust;

Whereas, the President's Commission has recommended that a one-half hour ceremony be held in the Capitol Rotunda on April 24, consisting of prayers, speeches, readings and musical presentations as part of the Days of Remembrance activities;

Whereas, the President's Commission has recommended that the United States Senate and United States House of Representatives should stand in recess during the ceremony: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That from noon on April 24, 1979, the Capitol Rotunda shall be available until 1:00 p.m. for a ceremony as part of the commemoration of the Days of Remembrance of Victims of the Holocaust.

Agreed to March 26, 1979.

Apr. 10, 1979
[H. Con. Res. 3]

"OUR MERCHANT MARINE MARCH"

Whereas the American merchant marine is often justly referred to as the fourth arm of defense for its inestimable contributions to the Nation in the past both in time of peace and in time of war;

Whereas each of the other arms of national defense has its own patriotic march for its use on public occasions in parades and otherwise;

Whereas to date the American merchant marine has had no such suitable march for its use;

Whereas Mr. Earl W. Clark, well-known in the maritime community and The Propeller Club of the United States, has composed a stirring and memorable march for which he has also written inspiring lyrics;

Whereas the author and others have performed the march in public and in private on a number of occasions upon which it has always been enthusiastically received: Now, therefore, be it

Recognition as official march.

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, "Our Merchant Marine March" as written and composed by Earl W. Clark be and it hereby is recognized as the official march of the American merchant marine.

SEC. 2. The Congress calls upon the maritime academies, other maritime organizations, and all those having an interest in the American merchant marine, to take appropriate action in order to insure the widest possible public acceptance and recognition of this music and its patriotic theme.

Agreed to April 10, 1979.

Apr. 10, 1979
[H. Con. Res. 99]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Tuesday, April 10, 1979, it stand adjourned until 12 o'clock meridian on Monday, April 23, 1979, and that when the Senate recesses on Tuesday, April 10, 1979, it stand in recess until 12 o'clock meridian on Monday, April 23, 1979.

Agreed to April 10, 1979.

"APPROPRIATE TECHNOLOGY WEEK"—PROCLAMATION

Apr. 26, 1979
[S. Con. Res. 11]

Whereas April 27 through May 1 has been designated as "Appropriate Technology Week" throughout the United States; and
Whereas appropriate technology is energy saving, anti-inflationary, labor intensive, decentralized, easily maintained, environmentally sound, capital saving, and fosters free enterprise and competition; and
Whereas the American people, industry, and labor should be made aware of the realization and potential of appropriate technologies; and
Whereas Federal, State, and local governments should promote and encourage further development, refinement, and deployment of appropriate technologies; and
Whereas the realization and the promise of appropriate technology will be observed and celebrated on the Washington Mall from April 27 through May 1, 1979, through the ACT '79 Fair/Conference: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the 27th of April through the 1st of May 1979, be proclaimed "Appropriate Technology Week", and that the people and the representatives of government, industry, and labor in the United States be urged to participate in the programs, discussions, demonstration, celebrations, and other activities to mark the week.

Agreed to April 26, 1979.

"FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1979"

Apr. 26, 1979
[S. Con. Res. 15]

Resolved by the Senate (the House of Representatives concurring), That there shall be reprinted for the use of the Senate Committee on the Budget one thousand copies of its report to accompany Senate Concurrent Resolution 80, Ninety-fifth Congress, second session, entitled "First Concurrent Resolution on the Budget—Fiscal Year 1979" (S. Rept. 95–739).

Printing of copies.

Agreed to April 26, 1979.

NATIONAL SYMPHONY ORCHESTRA CONCERTS ON THE CAPITOL GROUNDS

May 3, 1979
[H. Con. Res. 114]

Whereas the National Symphony Orchestra has expressed a desire to perform free concerts on the United States Capitol Grounds for the entertainment of the citizenry of our Nation; and
Whereas these performances would be similar to those presently given by the service bands under authority of 40 U.S.C. 193l: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the National Park Service shall be permitted to sponsor a series of four National Symphony Orchestra concerts on the Capitol Grounds during 1979, such concerts to be free to the public and arranged not to interfere with the needs of Congress, under conditions to be provided by the Architect of the Capitol.

Agreed to May 3, 1979.

May 14, 1979
[H. Con. Res. 65]

"THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA"

Printing as House document; additional copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document a revised edition of "The Declaration of Independence and the Constitution of the United States of America", revised under the direction of the Joint Committee on Printing.

SEC. 2. In addition to the usual number of copies, there shall be printed two hundred and seventy-eight thousand additional copies, of which two hundred and twenty-one thousand five hundred copies shall be for the use of the House of Representatives, fifty-one thousand five hundred copies shall be for the use of the Senate and five thousand copies shall be for the use of the Joint Committee on Printing.

Agreed to May 14, 1979.

May 14, 1979
[H. Con. Res. 66]

"OUR FLAG"

Printing as House document; additional copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document a revised edition of "Our Flag", revised under the direction of the Joint Committee on Printing.

SEC. 2. In addition to the usual number of copies, there shall be printed two hundred and seventy-eight thousand additional copies, of which two hundred and twenty-one thousand five hundred copies shall be for the use of the House of Representatives, fifty-one thousand five hundred copies shall be for the use of the Senate, and five thousand copies shall be for the use of the Joint Committee on Printing.

Agreed to May 14, 1979.

May 23, 1979
[H. Con. Res. 126]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 24, 1979, it stand adjourned until 12 o'clock meridian on Wednesday, May 30, 1979, and that when the Senate recesses on Thursday, May 24, 1979, it stand in recess until 11 o'clock ante meridiem on Monday, June 4, 1979.

Agreed to May 23, 1979.

CONGRESSIONAL BUDGET, FISCAL YEAR 1979, REVISIONS

May 24, 1979
[H. Con. Res. 107]

Resolved by the House of Representatives (the Senate concurring), That Congress hereby determines and declares, that pursuant to section 304 of the Congressional Budget Act of 1974:

31 USC 1325.

REVISIONS TO THE SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1979

(a) Section 1 of H. Con. Res. 683 is revised as follows:

92 Stat. 3878.

(1) The recommended level of Federal revenues is $461,000,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $100,000,000.

(2) The appropriate level of total new budget authority is $559,200,000,000.

(3) The appropriate level of total budget outlays is $494,450,000,000.

(4) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $33,450,000,000.

(5) The appropriate level of the public debt is $834,200,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is $4,200,000,000.

(b) Section 2 of H. Con. Res. 683 is revised as follows:

(1) National Defense (050):
(A) New budget authority, $127,000,000,000;
(B) Outlays, $114,400,000,000.

(2) International Affairs (150):
(A) New budget authority, $11,400,000,000;
(B) Outlays, $7,500,000,000.

(3) General Science, Space, and Technology (250):
(A) New budget authority, $5,400,000,000;
(B) Outlays, $5,200,000,000.

(4) Energy (270):
(A) New budget authority, $7,600,000,000;
(B) Outlays, $7,400,000,000.

(5) Natural Resources and Environment (300):
(A) New budget authority, $12,900,000,000;
(B) Outlays, $11,300,000,000.

(6) Agriculture (350):
(A) New budget authority, $8,300,000,000;
(B) Outlays, $6,200,000,000.

(7) Commerce and Housing Credit (370):
(A) New budget authority, $5,900,000,000;
(B) Outlays, $2,900,000,000.

(8) Transportation (400):
(A) New budget authority, $19,100,000,000;
(B) Outlays, $17,000,000,000.

(9) Community and Regional Development (450):
(A) New budget authority, $9,200,000,000;
(B) Outlays, $9,700,000,000.

(10) Education, Training, Employment, and Social Services (500):
(A) New budget authority, $32,700,000,000;
(B) Outlays, $29,700,000,000.

(11) Health (550):
(A) New budget authority, $53,000,000,000;
(B) Outlays, $49,700,000,000.

(12) Income Security (600):
(A) New budget authority, $194,150,000,000;
(B) Outlays, $161,100,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $20,400,000,000;
(B) Outlays, $20,200,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,200,000,000;
(B) Outlays, $4,200,000,000.
(15) General Government (800):
(A) New budget authority, $4,300,000,000;
(B) Outlays, $4,200,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $8,650,000,000;
(B) Outlays, $8,750,000,000.
(17) Interest (900):
(A) New budget authority, $52,400,000,000;
(B) Outlays, $52,400,000,000.
(18) Allowances (920):
(A) New budget authority, $700,000,000;
(B) Outlays, $700,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$18,100,000,000;
(B) Outlays, −$18,100,000,000.

SEC. 2. (a) Pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979— 31 USC 1322.

(1) the recommended level of Federal revenues is $509,000,000,000, and the amount by which the aggregate level of Federal revenues should be increased or decreased is zero;

(2) the appropriate level of total new budget authority is $604,400,000,000;

(3) the appropriate level of total budget outlays is $532,000,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $23,000,000,000; and

(5) the appropriate level of the public debt is $887,200,000,000, and the amount by which the temporary statutory limit on such debt should be accordingly increased is $57,200,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $136,600,000,000;
(B) Outlays, $124,200,000,000.
(2) International Affairs (150):
(A) New budget authority, $12,600,000,000;
(B) Outlays, $7,900,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $5,700,000,000;
(B) Outlays, $5,500,000,000.
(4) Energy (270):
(A) New budget authority, $18,800,000,000;
(B) Outlays, $6,800,000,000.

(5) Natural Resources and Environment (300):
(A) New budget authority, $12,600,000,000;
(B) Outlays, $11,700,000,000.
(6) Agriculture (350):
(A) New budget authority, $5,000,000,000;
(B) Outlays, $5,400,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $6,900,000,000;
(B) Outlays, $3,200,000,000.
(8) Transportation (400):
(A) New budget authority, $19,450,000,000;
(B) Outlays, $18,200,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $8,900,000,000;
(B) Outlays, $8,100,000,000.
(10) Education, Training, Employment, and Social Services (500):
(A) New budget authority, $30,850,000,000;
(B) Outlays, $30,500,000,000.
(11) Health (550):
(A) New budget authority, $58,100,000,000;
(B) Outlays, $53,600,000,000.
(12) Income Security (600):
(A) New budget authority, $214,800,000,000;
(B) Outlays, $183,300,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $21,200,000,000;
(B) Outlays, $20,600,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,200,000,000;
(B) Outlays, $4,400,000,000.
(15) General Government (800):
(A) New budget authority, $4,400,000,000;
(B) Outlays, $4,300,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $8,100,000,000;
(B) Outlays, $8,100,000,000.
(17) Interest (900):
(A) New budget authority, $56,000,000,000;
(B) Outlays, $56,000,000,000.
(18) Allowances (920):
(A) New budget authority, −$100,000,000;
(B) Outlays, −$100,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$19,700,000,000;
(B) Outlays, −$19,700,000,000.

BUDGET AGGREGATES FOR FISCAL YEARS 1981 AND 1982

SEC. 3. (a) In order to achieve a balanced budget in fiscal years 1981 and 1982, the following aggregate budgetary levels recommended by the Senate are appropriate for fiscal years 1981 and 1982—

(1) the recommended level of revenues is as follows:
Fiscal year 1981: $583,300,000,000;
Fiscal year 1982: $621,000,000,000;
and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:
Fiscal year 1981: +$4,600,000,000;
Fiscal year 1982: −$49,900,000,000;

(2) the appropriate level of budget authority is as follows:
Fiscal year 1981: $640,300,000,000;
Fiscal year 1982: $691,600,000,000;
(3) the aggregate level of total budget outlays is as follows:
Fiscal year 1981: $577,700,000,000;
Fiscal year 1982: $616,900,000,000;
(4) the amount of surplus in the budget is as follows:
Fiscal year 1981: $5,600,000,000;
Fiscal year 1982: $4,100,000,000;
(5) the appropriate level of the public debt is as follows:
Fiscal year 1981: $912,600,000,000;
Fiscal year 1982: $947,500,000,000.

(b) The House projects the following budget aggregates for fiscal years 1981-82, based on the policies assumed in section two above—
(1) the level of Federal revenues is as follows:
Fiscal year 1981: $579,800,000,000;
Fiscal year 1982: $655,300,000,000;
(2) the level of total new budget authority is as follows:
Fiscal year 1981: $658,700,000,000;
Fiscal year 1982: $721,400,000,000;
(3) the level of total budget outlays is as follows:
Fiscal year 1981: $577,700,000,000;
Fiscal year 1982: $622,700,000,000;
(4) the amount of surplus in the budget is as follows:
Fiscal year 1981: $2,100,000,000;
Fiscal year 1982: $32,600,000,000;
(5) the level of the public debt is as follows:
Fiscal year 1981: $916,100,000,000;
Fiscal year 1982: $922,500,000,000.

GENERAL PROVISIONS

SEC. 4. (a) The Congress recognizes that the activities of off-budget Federal entities are excluded from the budget by law. The Congress recommends that a way be found within the Congressional budget process to relate accurately the estimates of off-budget Federal entities and capital expenditures to the unified budget.

(b) In 1979, each standing committee of the House of Representatives shall report by July 1 to the House of Representatives its recommendations and the status of its actions with respect to new spending authority including all legislative savings, and other reforms, targeted by the first concurrent resolution on the budget for the fiscal year ending on September 30 of that same year. This report shall include any additional legislative savings which the committee believes should be considered by the House in the programs for which such committee has responsibility.

In 1980, each standing committee of the House of Representatives shall include in its March 15 report to the Budget Committee of the House of Representatives specific recommendations as to all possible legislative savings for the programs for which the committee has responsibility.

In 1980, each standing committee of the House of Representatives shall include in its March 15 report to the Budget Committee of the House of Representatives an estimate of the unobligated (and unexpended) balances of budget authority, an analysis of the extent to which such unexpended or unobligated balances could reasonably be reduced, and what steps, if any, have been or are being taken to reduce such balances.

Agreed to May 24, 1979.

JOINT MEETING

June 14, 1979
[H. Con. Res. 140]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, June 18, 1979, at 9 o'clock post meridiem for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Communications from President.

Agreed to June 14, 1979.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

June 27, 1979
[H. Con. Res. 153]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, June 29, 1979, it stand adjourned until 12 o'clock meridian on Monday, July 9, 1979, and that when the Senate recesses on Wednesday, June 27, 1979, it stand in recess until 12 o'clock meridian on Monday, July 9, 1979.

Agreed to June 27, 1979.

AMERICANS MISSING IN SOUTHEAST ASIA

July 18, 1979
[H. Con. Res. 10]

Whereas approximately twenty-three hundred Americans remain unaccounted for in Southeast Asia since the cessation of the Vietnam conflict; and

Whereas learning the fate of those American servicemen and civilians listed as missing remains of utmost importance to the United States, and is considered as such during the negotiations between the United States and the Socialist Republic of Vietnam; and

Whereas the General Assembly of the United Nations adopted Resolution 3220 (XXIX) calling for assistance and cooperation in accounting for persons who are missing or dead in armed conflicts; and

Whereas such resolution recognized "that one of the tragic results of armed conflicts is the lack of information on persons—civilians as well as combatants—who are missing or dead in armed conflicts"; and

Whereas such resolution further states that "the desire to know the fate of loved ones lost in armed conflicts is a basic human need which should be satisfied to the greatest extent possible, and that provision of information on those who are missing or who have died in armed conflicts should not be delayed merely because other issues remain pending"; and

Whereas the Socialist Republic of Vietnam, despite assurances that it is conducting an extensive search for Americans listed as missing and for information that might indicate their fate, has provided but meager information concerning the fate of these missing Americans; and

Whereas present efforts to secure a full accounting of these Americans listed as missing are not productive and are ill-served by existing procedures and institutional frameworks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should instruct the Secretary of State to seek the good offices of the Secretary General of

U.N. special investigatory commission.

the United Nations for the purpose of establishing a special investigatory commission charged with the responsibility of securing a full accounting of Americans listed as missing in Southeast Asia. The commission should be composed of individuals selected because of their impeccable credentials and their long-standing service to the principles embodied in the United Nations Charter. The commission should be authorized to hold hearings, receive written communications, and seek the full cooperation and the facilities of the Socialist Republic of Vietnam for purposes of verifying crash sites, confirming information on the last known whereabouts of missing Americans, and taking other appropriate measures to secure a full accounting of Americans listed as missing in Southeast Asia. The commission should be directed to submit a report summarizing its findings to the appropriate body of the United Nations.

Agreed to July 18, 1979.

July 18, 1979
[H. Con. Res. 159]

PARLIAMENT OF THE EUROPEAN COMMUNITY

Whereas since World War II the United States has consistently supported European integration as a fundamental basis for peace, stability, and prosperity; and

Whereas the basic aims for the European Community are to foster the well-being of its citizens through economic growth and stability among its member states, and to lay the foundations for closer union among the peoples of Europe; and

Whereas, in the common interest, the United States has maintained close ties with the Community, dating from the creation of the European Coal and Steel Community; and

Whereas these ties have been further strengthened by the continuing exchanges, initiated in 1972, between Members of the United States Congress and representatives of the European Parliament, the members of which have heretofore been appointed from the legislatures of the member states of the Community; and

Whereas the United States and the Community share common respect for democracy, the promotion of human rights under the rule of law, and the observance of democratic practices; and

Whereas the election of representatives to the European Parliament by universal suffrage is a concrete manifestation of the Community's commitment to democratic ideals; and

Whereas a Parliament elected by universal suffrage will enable the citizens of the Community to participate more fully, through their elected representatives, in strengthening their common futures; and

Whereas June 7 through 10, 1979, marked the first time that the citizens of the Community have chosen by direct universal suffrage their representatives to the European Parliament: Now, therefore, be it

Affirmation of congressional support.

Resolved by the House of Representatives (the Senate concurring), That, the Congress welcomes the first directly elected Parliament of the European Community into the family of freely elected representative bodies.

SEC. 2. The Congress recognizes the election of the Parliament to be an event of great historical significance to the evolution of European unification and integration and to the growth of representative democracy.

SEC. 3. The Congress congratulates the newly elected Parliamentarians and expresses the conviction that, as they assume their responsibilities, they will pursue policies aimed at strengthening the Community and ties between it and the United States.

SEC. 4. The Congress pledges its support for continued close relations with Parliamentarians from the European Community and, to this end, affirms its readiness to continue the semiannual discussions with the European Parliament on issues of common concern and to explore mutually beneficial measures for their improvement.

SEC. 5. The Congress requests that the President forward a copy of this resolution to the President of the European Parliament, the President of the Community's Council of Foreign Ministers, and the President of the European Commission.

Agreed to July 18, 1979.

CORRECTIONS OF ENROLLED BILL H.R. 4537

July 24, 1979
[S. Con. Res. 33]

Resolved by the Senate (the House of Representatives concurring), That, the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4537) to approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes, is authorized and directed to make the following corrections:

Ante, p. 144.
19 USC 2101.

Page 7, lines 24 and 25, strike out "section 2(c)" and insert in lieu thereof "subsection (c)".

Page 77, line 24, strike out "or" and insert "on".

Page 124, line 8, between the quotation mark and "an" insert "is".

Page 124, line 9, between the quotation mark and "affirmative" insert "are".

Page 125, line 7, strike out "after September 29, 1979," and insert "on or after the date of the enactment of this Act,".

Page 126, line 19, insert "duty" immediately after "countervailing".

Page 131, line 4, after "1979," insert "or on the day before the date of the enactment of the Trade Agreements Act of 1979 (whichever of such dates first occurs),".

Page 132, strike out lines 5 through 9, inclusive.

Page 132, lines 10 and 15, redesignate paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

Page 132, line 17, strike out "337," and insert "337".

Page 132, line 18, insert a quotation mark immediately before "subtitles".

Page 132, line 19, insert a quotation mark immediately after "337".

Page 155, between lines 4 and 5, insert the following:

"(B) by striking out 'and in basis of value' in subsection (c);".

Page 155, lines 5 and 7, redesignate subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively.

Page 155, line 6, strike out "(c),".

Page 155, line 8, strike out "351(a)" and insert "350(a)".

Page 155, line 9, strike out "402(a)" and insert "402a".

Page 211, line 17, strike out "and".

Page 236, line 22, strike out "between" and insert "after".

Page 236, line 23, before "January" insert "before".

Page 240, line 17, strike out "teacups" and insert "tea cups".

Page 246, in the matter appearing before line 1, strike out "Parts of articles provided for in item 666.00," and insert "Parts to be used in articles provided for in item 666.00, whether or not such parts are chiefly used as parts of such articles and".

Page 243, line 14, strike out "716.30" and insert "716.31".

Page 260, line 4, strike out "(d)" and insert "(f)".

Page 328, line 3, strike out "the agreement" and insert "trade agreements".

Page 342, immediately before line 7 insert the following:

"(c) TRADE EXPANSION ACT OF 1962.—Section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872) is amended by striking out 'subsections (c) and (d)' each place it appears and inserting in lieu thereof 'section 302(b)(2)'.".

Page 356, line 7, between "(D)" and the quotation mark insert a period.

Page 360, line 1, strike out "901(b)(2)" and insert "1001(b)(2)".

Page 360, line 21, strike out the quotation mark.

Page 363, strike out lines 23 and 24.

Page 364, line 1, through page 368, line 21, redesignate paragraphs (3) through (22) of section 1103 of the bill as paragraphs (2) through (21), respectively.

Page 366, line 10, strike out the comma after "sector".

Page 371, line 7, after "with respect to" insert "the matter within such section 303, 701, or 731 of".

Page 376, strike out lines 16 through 21, inclusive, and insert the following:

"(3) Section 602(f) is amended by striking out the last comma.".

Page 377, line 7, strike out "3(a)(1)" and insert "3(a)(i)".

Page 384, line 25, strike out "round" and insert "Round".

Agreed to July 24, 1979.

July 31, 1979
[H. Con. Res. 168]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, August 2, 1979, it stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1979, and that when the Senate recesses on Thursday, August 2, Friday, August 3, or Saturday, August 4, 1979, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand in recess until 11:00 o'clock a.m. on Wednesday, September 5, 1979.

Agreed to July 31, 1979.

Aug. 2, 1979
[S. Con. Res. 35]

SELF-DETERMINATION FOR THE PEOPLE OF PUERTO RICO

Whereas the people of Puerto Rico freely chose the present form of their association with the United States in a popular referendum in 1952; and

Whereas successive United States administrations since that time have continued to be publicly committed to the fundamental principle of self-determination for the people of Puerto Rico; and

Whereas certain other governments lacking in a clear understanding of the United States relationship with Puerto Rico have questioned the status of Puerto Rico and the extent to which its citizens enjoy the right to self-determination: Now, therefore, be it

Reaffirmation of congressional support.

Resolved by the Senate (the House of Representatives concurring), That the Congress takes this opportunity to reaffirm its commitment to respect and support the right of the people of Puerto Rico to determine their own political future through peaceful, open, and democratic processes.

Agreed to August 2, 1979.

CORRECTIONS OF ENROLLED BILL S. 544

Sept. 21, 1979

[H. Con. Res. 189]

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 544) to amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development, and for other purposes, the Secretary of the Senate shall make the following corrections:

Ante, p. 592.
42 USC 300k-1.
42 USC 300o.

(1) In section 1(b) of the bill strike out "subsection (a) of" and insert in lieu thereof "in".

(2)(A) In the proposed paragraph (4) of section 1515(c) of the Public Health Service Act (as contained in section 105(c) of the bill) strike out "whether its renewal should be made subject to conditions" and insert in lieu thereof "whether the agency should be returned to a conditional status".

(B) In the proposed paragraph (5) of such section 1515(c) strike out "the agreement, its renewal, and, if any conditions have been imposed under paragraph (3), such conditions" and insert in lieu thereof "the agreement and any renewal of the agreement".

(3) In the third sentence of the proposed subparagraph (B) of section 1515(c)(3) of the Public Health Service Act (as contained in section 105(h) of the bill) strike out "take the action authorized by the first sentence of this subparagraph" and insert in lieu thereof "terminate an agreement or return an agency to a conditionally designated status".

(4) Strike out the close quotation mark at the end of the proposed paragraph (2) of section 1516(d) of the Public Health Service Act (as contained in section 106(b) of the bill).

(5) In the proposed paragraph (4)(A)(ii) of section 1512(b) of the Public Health Service Act (as contained in section 110(d)(1) of the bill) strike out "affected it" and insert in lieu thereof "affected by it".

(6) Section 111(a) of the bill is amended by inserting "(1)" after "is amended".

(7) Section 1512(b)(3)(B)(viii) of the Public Health Service Act as proposed to be amended by section 111(a)(1) of the bill is amended by striking out "personal privacy" and inserting in lieu thereof "the personal privacy".

(8) The proposed subparagraph (A) of section 1512(b)(6) of the Public Health Service Act (as contained in section 111(b)(2) of the bill) is amended by striking out "personal privacy" and inserting in lieu thereof "the personal privacy".

(9) Section 1522(b)(6) of the Public Health Service Act as proposed to be amended by section 111(c)(1) of the bill is amended by striking out "personal privacy" and inserting in lieu thereof "the personal privacy".

(10) Section 113(b) of the bill is amended by striking out "at the end" and inserting in lieu thereof "after subsection (d) (added by section 110(d)(2) of this Act)".

(11) The proposed subsection (d) of section 1524 of the Public Health Service Act (as contained in section 113(b) of the bill) is redesignated as subsection (e).

(12) Section 115(c)(1)(A) of the bill is amended by inserting "(i) by striking out 'under section 1524(c)(2)' and inserting in lieu thereof 'except as provided under section 1524(c)(2)(E)', and (ii)" immediately after "is amended".

(13) The proposed subparagraph (F) of section 1524(c)(2) of the Public Health Service Act (as contained in section 115(g) of the bill) is amended by striking out "State Agency for such State" and inserting in lieu thereof "State Agency designated for such State under section 1521(b)(3)".

(14) In the proposed amendment to the first sentence of section 1513(b)(2) of the Public Health Service Act (as contained in section 115(i)(1)(A) of the bill) insert "at least" before "triennially".

(15) Section 115(k)(2) of the bill is amended by striking out "subsection (d) of section 314 of the Public Health Service Act (as so redesignated by section 128(b))" and inserting in lieu thereof "subsection (g) of section 314 of the Public Health Service Act".

(16) Section 116(g)(1) of the bill is amended by inserting "the second time it occurs" immediately before the period at the end.

(17) Section 116(g)(2) of the bill is amended by striking out "section 103(c)" and inserting in lieu thereof "section 103(d)".

(18)(A) The proposed section 1527(b)(1) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended in the matter preceding subparagraph (A) by inserting "for the provision of an inpatient institutional health service" after "equipment".

(B) Subparagraph (A)(ii) of such proposed section 1527(b)(1) (as contained in section 117(a) of the bill) is amended by inserting "or will be" before "geographically located".

(C) Subparagraph (B) of such proposed section 1527(b)(1) is amended by striking out "which (i) primarily provides inpatient health services, (ii) is controlled" and inserting in lieu thereof "if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled".

(D) Clause (iii) of such subparagraph (B) is amended by inserting "or will be" before "geographically located".

(E) Subparagraph (C) of such proposed section 1527(b)(1) is amended by striking out "which (i) is leased" and inserting in lieu thereof "if (i) the facility is or will be leased".

(F) Clause (ii) of such subparagraph (C) is amended by inserting "or will be" before "geographically located".

(19) Paragraph (2)(B) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by striking out "organization, combination, or facility meets the requirements of paragraph (1)" and inserting in lieu thereof "organization or combination meets the requirements of paragraph (1) or the facility meets or will meet such requirements".

(20) The proposed section 1527(b)(2) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by adding after and below subparagraph (C) the following: "In the case of a proposed health care facility (or portion thereof) which has not begun to provide institutional health services on the date an application is submitted under this paragraph with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of paragraph (1) when the facility first provides such services. The State Agency shall approve an application submitted under this paragraph if it determines that the applicable requirements of paragraph (1) are met."

(21)(A) Paragraph (3)(B)(i) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by striking out "which the facility or equipment is proposed to be sold or leased or which intends to acquire the controlling interest" and inserting in lieu thereof "to which the facility or equipment is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility".

(B) Paragraph (3)(B)(ii) of such proposed section 1527(b) is amended by inserting before the period at the end the following: "or the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (1)".

(22) Paragraph (4) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended to read as follows:

" '(4) In the case of a health maintenance organization or an ambulatory care facility or health care facility which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, a State may under the program apply its certificate of need requirements only to the offering of inpatient institutional health services, the acquisition of major medical equipment, and the obligation of capital expenditures for the offering of inpatient institutional health services and then only to the extent that such offering, acquisition, or obligation is not exempt under paragraph (1).".

(23) The last sentence of paragraph (5) of the proposed section 1527(b) of the Public Health Service Act (as contained in section 117(a) of the bill) is amended (A) by striking out "subsection (b)" and inserting in lieu thereof "paragraph (1)", and (B) by striking out "or acquisition or lease" and inserting in lieu thereof ", acquisition, or lease".

(24) Subsection (f) of the proposed section 1527 of the Public Health Service Act (as contained in section 117(a) of the bill) is amended by striking out "modernize" and inserting in lieu thereof "or modernize a health care facility".

(25) The proposed paragraph (6)(B) of section 1531 of the Public Health Service Act (as contained in section 117(b)(3) of the bill) is amended by striking out "(ii)" and inserting in lieu thereof "(II)".

(26) The proposed paragraph (6)(B)(ii) of section 1531 of the Public Health Service Act (as contained in section 117(b)(3) of the bill) is amended by inserting a comma before "(II)".

(27)(A) Section 118 of the bill is amended by adding at the end the following:

"(c) Section 1513(g)(2) is amended by striking out 'existing institutional'."

(B) Section 118(b)(2) of the bill is amended by inserting a period and close quotation mark at the end.

(C) Section 1523(a)(6) of the Public Health Service Act (as amended by section 118(b)(2) of the bill) is amended by striking out "all institutional" and inserting in lieu thereof "at least those institutional".

(28) Section 121(a) of the bill is amended by striking out "(1)".

(29) The third sentence of the proposed subparagraph (B) of section 1521(b)(4) of the Public Health Service Act (as contained in section 123(a) of the bill) is amended by striking out "take the action authorized by the first sentence of this subparagraph" and inserting in lieu thereof "terminate an agreement or return a State Agency to a conditionally designated status".

(30) Section 124(c)(1) of the bill is amended by inserting "(A)" after "is amended", and by inserting before the period at the end a comma and the following: "and (B) by striking out 'an ex officio' and inserting in lieu thereof 'a nonvoting, ex officio' ".

(31) The first sentence of section 1531(5) of the Public Health Service Act as proposed to be amended by section 126(a)(1) of the bill is amended by striking out "at least $75,000" and inserting in lieu thereof "at least the expenditure minimum".

(32) The proposed paragraph (9) of section 1531 of the Public Health Service Act (as contained in section 126(b) of the bill) is amended by striking out "sections 1523(a)(4)(B), 1527, and 1531(5)" and inserting in lieu thereof "paragraph (5) of this section and sections 1523(a)(4)(B) and 1527".

(33)(A) Section 129(a) of the bill is amended by striking out "103, 104(c), 105(d), 106, 107, 117, 123(b)" and inserting in lieu thereof "103(a), 103(b), 103(c), 104(c), 105, 106, 107, 110(c), 110(d), 110(e), 110(f), 111, 115(f), 116(d), 116(e), 117, 120, 123, 126".

(B) Section 129(b)(2) of the bill is amended (i) by striking out "section 117" and inserting in lieu thereof "sections 116(d), 116(e), 117, and 126", (ii) by striking out "on the enactment" and inserting in lieu thereof "on the date of the enactment", and (iii) by striking out "made by such section" and inserting in lieu thereof "made by any such section".

(34) Section 1622(b)(2)(D) as proposed to be amended by section 201(b)(2) of the bill is amended by striking out "section 1620(b)(2)" and inserting in lieu thereof "section 1601(a)(2)(B)".

(35) In the amendment to section 1622(a)(1) proposed by section 203(c) of the bill strike out "section 1621" and insert in lieu thereof "section 1621 or 1642".

(36) Section 203(e) of the bill is amended by inserting "(1)" after "(e)" and by adding at the end the following:

"(2) Section 2(f) of the Public Health Service Act is amended by striking out '1531(1), and 1633(1)' and inserting in lieu thereof 'and 1531(1)'."

(37) Section 203(f) of the bill is amended by inserting "(1) by striking out 'nonprofit', and (2)" after "is amended".

(38) In the amendment to section 1626 of the Public Health Service Act as proposed by section 203(f) of the bill strike out "section 1621" and insert in lieu thereof "section 1621 or 1642".

(39) The proposed subsection (f)(2) of section 1602 of the Public Health Service Act (as contained in section 203(g)(1) of the bill) is amended by striking out ", respecting foreclosure procedures" and inserting in lieu thereof "respecting foreclosure procedures,".

(40) Section 203(g)(2) of the bill is amended by inserting "of section 1602 (as so redesignated)" after "subsection (d)".

(41) Section 203(g)(3) of the bill is amended by inserting "such" before "subsection (d)".

(42) Paragraph (2) of the proposed section 1642 of the Public Health Service Act (as contained in section 301(a) of the bill) is amended (A) by striking out in subparagraph (A) "all inpatient hospital services" and inserting in lieu thereof "all hospital services or all inpatient hospital services", and (B) by striking out in subparagraph (B) "another health service" and inserting in lieu thereof "other health services".

(43)(A) The first sentence of paragraph (3) of the proposed section 1642(c) of the Public Health Service Act (as contained in section 301(a) of the bill) is amended by striking out "assurances described in paragraph (1) have been provided with the application" and inserting in lieu thereof "arrangements described in paragraph (1) have been made".

(B) The second sentence of such paragraph (3) is amended by striking out "has provided the assurances described in paragraph (1) and if such assurances" and inserting in lieu thereof "has made the arrangements described in paragraph (1) and if such arrangements".

(C) The third sentence of such paragraph (3) is amended by striking out "such assurances have been provided" and inserting in lieu thereof "such arrangements have been made".

(44) In the amendment to section 1624 of the Public Health Service Act as proposed by section 301(b) of the bill strike out "section 1642(f)" and insert in lieu thereof "section 1642(e)".

Agreed to September 21, 1979.

JIM THORPE, RECOGNITION OF ACHIEVEMENTS BY INTERNATIONAL OLYMPIC COMMITTEE

Sept 24, 1979
[S. Con. Res. 29]

Whereas the Amateur Athletic Union in 1975 restored the amateur status of James (Jim) Thorpe for the years 1909–1912; and
Whereas the United States Olympic Committee forwarded this restoration to the International Olympic Committee: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the International Olympic Committee officially recognize Jim Thorpe's achievements in the 1912 pentathlon and decathlon events and restore these records to the official Olympic books; and be it further

Sense of Congress.

Resolved, That it is the sense of the Congress that the International Olympic Committee be requested to present duplicate medals to the heirs of Jim Thorpe.

Agreed to September 24, 1979.

CORRECTION OF ENROLLED BILL H.R. 3996

Sept. 28, 1979
[H. Con. Res. 192]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3996), to amend the Rail Passenger Service Act to extend the authorization of appropriations for Amtrak for three additional years, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 102 of the bill, insert "Act (45 U.S.C. 502) is amended—" immediately after "Rail Passenger Service".

Ante, p. 537.
45 USC 501 note.

Agreed to September 28, 1979.

SYRIAN JEWISH COMMUNITY—EMIGRATION RIGHTS

Oct. 10, 1979
[H. Con. Res. 91]

Whereas the United Nations Universal Declaration on Human Rights states unequivocally the right of every individual to emigrate and live in the land of his choice; and
Whereas the Government of Syria is a signatory of the declaration; and
Whereas the Syrian Government has placed restrictions on the right of Syrian Jews to emigrate from that country; and
Whereas the Syrian Jewish community, which numbers nearly five thousand persons, has expressed its desire, through numerous official and unofficial means, to rejoin families and relatives in other lands; and
Whereas numerous private organizations in the United States and other countries have expressed their willingness to facilitate such emigration and to assist in the absorption process; and
Whereas Syria is the only Arab state that has not permitted its Jewish community to exercise the right of emigration: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress calls upon the Government of Syria, on humanitarian grounds, to permit those members of the Syrian Jewish community desirous of emigrating to do so.

Agreed to October 10, 1979.

Oct. 10, 1979
[H. Con. Res. 167]

NONDELIVERY OF INTERNATIONAL MAIL BY THE SOVIET UNION

Whereas the integrity of the mail service between the United States and the Soviet Union is being called into question by mailers in the United States who assert that postal items are systematically not being delivered to selected addresses in the Soviet Union;

Whereas the explanations required under international law and given by the Soviet postal administration in regard to the nondelivery of mail to certain addresses have been inaccurate, insufficient, or untimely;

Whereas the mail which is not being delivered typically is between family members or persons sharing a religious, ethnic, or professional bond and typically consists of personal correspondence or gifts of articles for personal or professional use;

Whereas the nondelivery of mail which is deliverable as addressed and which does not contain prohibited articles is an interference by the Soviet Union with internationally recognized human rights guaranteed to all persons by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas such nondelivery also violates the Acts of the Universal Postal Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

Expression of disapproval.

(1) that the President, through the Department of State, should express to the Government of the Soviet Union the disapproval of the American people—

(A) concerning those postal items which are mailed in the United States and are deliverable in the Soviet Union as addressed but which are systematically not delivered by the Soviet Union to the persons to whom they are addressed; and

(B) concerning violations by the Soviet Union of the Acts of the Universal Postal Union and violations of the Final Act of the Conference on Security and Cooperation in Europe;

(2) that the Department of State should bring to the attention of other member countries of the Universal Postal Union patterns of nondelivery of international mail by the Soviet Union contrary to the Acts of the Universal Postal Union and to the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; and

(3) that at the Congress of the Universal Postal Union in Brazil in 1979, the delegation of the United States should ask other member countries to support the adoption of technical amendments to the Universal Postal Convention and to take such other measures as they consider appropriate that would encourage improved postal performance by the Soviet Union.

Agreed to October 10, 1979.

CORRECTIONS OF ENROLLED BILL H.R. 3173

Oct. 16, 1979
[H. Con. Res. 196]

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3173) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal years 1980 and 1981, and for other purposes, the clerk of the House of Representatives shall make the following corrections:

Ante, p. 701.
22 USC 2151 note.
22 USC 2751 note.

In the title of the bill, strike out "fiscal years 1980 and 1981" and insert in lieu thereof "fiscal year 1980".

In section 25 of the bill, strike out "19" and insert in lieu thereof "17".

Agreed to October 16, 1979.

CORRECTIONS OF ENROLLED BILL S. 1030

Oct. 23, 1979
[S. Con. Res. 44]

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1030) to authorize the President to create an emergency program to conserve energy, and for other purposes, the Secretary of the Senate shall make the following corrections:

Ante, p. 749.

In the table of contents insert, at the appropriate place, "Sec. 215. Reports".

In section 101 strike out "(a) FINDINGS.—".

In section 103(b)(1) strike out "42 U.S.C. 6361(e)" and insert in lieu thereof "42 U.S.C. 6261(e)".

In section 103(b)(2)(C) insert between the words "other" and "pursuant" the word "than".

In section 103(c)(1) strike out "42 U.S.C. 6361(f)" and insert in lieu thereof "42 U.S.C. 6261(f)".

In section 103(c)(2) strike out "42 U.S.C. 6361" and insert in lieu thereof "42 U.S.C. 6263".

In section 105(b)(1) strike out "42 U.S.C. 6261(d)(2)" and insert in lieu thereof "42 U.S.C. 6263(d)(2)".

In section 105(b)(2) strike out "42 U.S.C. 6261(d)(3)(A)" and insert in lieu thereof "42 U.S.C. 6263(d)(3)(A)".

In section 105(b)(3) strike out "42 U.S.C. 6261" and insert in lieu thereof "42 U.S.C. 6263".

In section 105(b)(4) strike out "42 U.S.C. 6261" and insert in lieu thereof "42 U.S.C. 6263".

In section 301 strike out "(a)".

Agreed to October 23, 1979.

Nov. 13, 1979
[H. Con. Res. 209]

CORRECTION OF ENROLLED BILL H.R. 4930

Ante, p. 954.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 4930) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, the Clerk of the House of Representatives is authorized and directed to make the following correction:

In lieu of the figure "$401,242,000" inserted in lieu of Senate amendment numbered 67 on page 31, line 11, insert "$392,565,000".

Agreed to November 13, 1979.

Nov. 20, 1979
[H. Con. Res. 214]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Tuesday, November 20, 1979, it stand adjourned until 12 o'clock meridian on Monday, November 26, 1979, and that when the Senate recesses on Tuesday, November 20, 1979, it stand in recess until 10 o'clock a.m. on Monday, November 26, 1979.

Agreed to November 20, 1979.

Nov. 27, 1979
[H. Con. Res. 216]

CORRECTION OF ENROLLED BILL S. 1157

Ante, p. 1040.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate shall, in the enrollment of the bill (S. 1157) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for the fiscal year 1980, and for other purposes, make the following correction:

Strike out "$198,836,000" in section 15(2) of the bill and insert "$198,336,000" in lieu thereof.

Agreed to November 27, 1979.

Nov. 28, 1979
[S. Con. Res. 53]

CONGRESSIONAL BUDGET, FISCAL YEAR 1980

31 USC 1331.

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is $517,800,000,000, and the amount by which the aggregate level of Federal revenues should be increased is $2,400,000,000;

(2) the appropriate level of total new budget authority is $638,000,000,000;

(3) the appropriate level of total budget outlays is $547,600,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $29,800,000,000; and

(5) the appropriate level of the public debt is $886,400,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is $7,400,000,000.

Sec. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 310(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979 the appropriate level of new budget authority and the estimated budget outlays for each functional category are as follows:

(1) National Defense (050):
  (A) New budget authority, $141,200,000,000;
  (B) Outlays, $129,900,000,000.
(2) International Affairs (150):
  (A) New budget authority, $13,100,000,000;
  (B) Outlays, $8,400,000,000.
(3) General Science, Space, and Technology (250):
  (A) New budget authority, $5,850,000,000;
  (B) Outlays, $5,700,000,000.
(4) Energy (270):
  (A) New budget authority, $39,500,000,000;
  (B) Outlays, $7,250,000,000.
(5) Natural Resources and Environment (300):
  (A) New budget authority, $12,600,000,000;
  (B) Outlays, $11,900,000,000.
(6) Agriculture (350):
  (A) New budget authority, $5,000,000,000;
  (B) Outlays, $2,550,000,000.
(7) Commerce and Housing Credit (370):
  (A) New budget authority, $6,800,000,000;
  (B) Outlays, $2,850,000,000.
(8) Transportation (400):
  (A) New budget authority, $19,500,000,000;
  (B) Outlays, $18,600,000,000.
(9) Community and Regional Development (450):
  (A) New budget authority, $8,900,000,000;
  (B) Outlays, $8,350,000,000.
(10) Education, Training, Employment, and Social Services (500):
  (A) New budget authority, $30,900,000,000;
  (B) Outlays, $31,000,000,000.
(11) Health (550):
  (A) New budget authority, $58,800,000,000;
  (B) Outlays, $54,450,000,000.
(12) Income Security (600):
  (A) New budget authority, $218,500,000,000;
  (B) Outlays, $190,000,000,000.
(13) Veterans Benefits and Services (700):
  (A) New budget authority, $21,450,000,000;
  (B) Outlays, $20,800,000,000.
(14) Administration of Justice (750):
  (A) New budget authority, $4,200,000,000;
  (B) Outlays, $4,400,000,000.
(15) General Government (800):
  (A) New budget authority, $4,450,000,000;
  (B) Outlays, $4,200,000,000.
(16) General Purpose Fiscal Assistance (850):
  (A) New budget authority, $9,050,000,000;
  (B) Outlays, $9,050,000,000.
(17) Interest (900):
  (A) New budget authority, $58,100,000,000;
  (B) Outlays, $58,100,000,000.

(18) Allowances (920):
(A) New budget authority, −$200,000,000;
(B) Outlays, −$200,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$19,700,000,000;
(B) Outlays, −$19,700,000,000.

SENSE OF THE CONGRESS ON RECONCILIATION SAVINGS

SEC. 3. It is the sense of the Congress that there shall be no Third Budget Resolution or any other revision of the budget figures contained in this Resolution unless justified by significantly changed national or international developments beyond the power of Congress to control and not foreseen in the development of the Second Budget Resolution for fiscal year 1980.

Failure to achieve in a timely fashion the savings assumed in the Second Budget Resolution will crowd out funding for other priorities in the budget and may require rescission of already-enacted appropriations to stay within the budget ceilings.

Therefore, Congress calls upon the Committees named in the Senate-passed instructions to make the savings assumed within the totals of this Resolution and calls upon all other Committees of the Congress to exercise the maximum restraint in spending and maximum effort toward savings in order that important national priorities will not be crowded out by the failure to make those savings.

BUDGET TOTALS FOR FISCAL YEARS 1981 AND 1982

SEC. 4. (a) In order to achieve a balanced budget recommended by the Senate in fiscal years 1981 and 1982, the following budgetary levels are appropriate for fiscal years 1981 and 1982:

(1) the recommended level of Federal revenues is as follows:
Fiscal year 1981: $610,200,000,000;
Fiscal year 1982: $671,800,000,000;
and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:
Fiscal year 1981: +$10,200,000,000;
Fiscal year 1982: −$34,800,000,000;

(2) the appropriate level of total new budget authority is as follows:
Fiscal year 1981: $664,900,000,000;
Fiscal year 1982: $747,600,000,000;

(3) the appropriate level of total budget outlays is as follows:
Fiscal year 1981: $600,500,000,000;
Fiscal year 1982: $653,000,000,000;

(4) the amount of the surplus in the budget which is appropriate in light of economic conditions and all other relevant factors is as follows:
Fiscal year 1981: $9,700,000,000;
Fiscal year 1982: $18,800,000,000;

(5) the appropriate level of the public debt is as follows:
Fiscal year 1981: $911,200,000,000;
Fiscal year 1982: $939,100,000,000;
and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:
Fiscal year 1981: $32,200,000,000;
Fiscal year 1982: $60,100,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1981 and 1982 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
  Fiscal year 1981:
    (A) New budget authority, $159,800,000,000;
    (B) Outlays, $146,400,000,000.
  Fiscal year 1982:
    (A) New budget authority, $180,500,000,000;
    (B) Outlays, $163,300,000,000.
(2) International Affairs (150):
  Fiscal year 1981:
    (A) New budget authority, $14,100,000,000;
    (B) Outlays, $8,700,000,000.
  Fiscal year 1982:
    (A) New budget authority, $14,900,000,000;
    (B) Outlays, $8,800,000,000.
(3) General Science, Space, and Technology (250):
  Fiscal year 1981:
    (A) New budget authority, $5,900,000,000;
    (B) Outlays, $5,800,000,000.
  Fiscal year 1982:
    (A) New budget authority, $5,600,000,000;
    (B) Outlays, $5,700,000,000.
(4) Energy (270):
  Fiscal year 1981:
    (A) New budget authority, $4,700,000,000;
    (B) Outlays, $7,800,000,000.
  Fiscal year 1982:
    (A) New budget authority, $24,200,000,000;
    (B) Outlays, $9,700,000,000.
(5) Natural Resources and Environment (300):
  Fiscal year 1981:
    (A) New budget authority, $13,400,000,000;
    (B) Outlays, $12,700,000,000.
  Fiscal year 1982:
    (A) New budget authority, $14,100,000,000;
    (B) Outlays, $13,500,000,000.
(6) Agriculture (350):
  Fiscal year 1981:
    (A) New budget authority, $4,800,000,000;
    (B) Outlays, $3,200,000,000.
  Fiscal year 1982:
    (A) New budget authority, $3,900,000,000;
    (B) Outlays, $3,600,000,000.
(7) Commerce and Housing Credit (370):
  Fiscal year 1981:
    (A) New budget authority, $5,900,000,000;
    (B) Outlays, $3,500,000,000.
  Fiscal year 1982:
    (A) New budget authority, $6,200,000,000;
    (B) Outlays, $3,200,000,000.
(8) Transportation (400):
  Fiscal year 1981:
    (A) New budget authority, $21,600,000,000;
    (B) Outlays, $19,700,000,000.
  Fiscal year 1982:
    (A) New budget authority, $20,400,000,000;
    (B) Outlays, $20,700,000,000.

(9) Community and Regional Development (450):
 Fiscal year 1981:
  (A) New budget authority, $9,900,000,000;
  (B) Outlays, $9,200,000,000.
 Fiscal year 1982:
  (A) New budget authority, $9,500,000,000;
  (B) Outlays, $9,600,000,000.
(10) Education, Training, Employment, and Social Services (500):
 Fiscal year 1981:
  (A) New budget authority, $31,100,000,000;
  (B) Outlays, $30,500,000,000.
 Fiscal year 1982:
  (A) New budget authority, $31,100,000,000;
  (B) Outlays, $30,800,000,000.
(11) Health (550):
 Fiscal year 1981:
  (A) New budget authority, $70,500,000,000;
  (B) Outlays, $62,000,000,000.
 Fiscal year 1982:
  (A) New budget authority, $82,200,000,000;
  (B) Outlays, $69,400,000,000.
(12) Income Security (600):
 Fiscal year 1981:
  (A) New budget authority, $244,300,000,000;
  (B) Outlays, $212,400,000,000.
 Fiscal year 1982:
  (A) New budget authority, $275,600,000,000;
  (B) Outlays, $235,800,000,000.
(13) Veterans Benefits and Services (700):
 Fiscal year 1981:
  (A) New budget authority, $22,100,000,000;
  (B) Outlays, $21,700,000,000.
 Fiscal year 1982:
  (A) New budget authority, $23,200,000,000;
  (B) Outlays, $23,200,000,000.
(14) Administration of Justice (750):
 Fiscal year 1981:
  (A) New budget authority, $4,400,000,000;
  (B) Outlays, $4,500,000,000.
 Fiscal year 1982:
  (A) New budget authority, $4,500,000,000;
  (B) Outlays, $4,500,000,000.
(15) General Government (800):
 Fiscal year 1981:
  (A) New budget authority, $4,700,000,000;
  (B) Outlays, $4,400,000,000.
 Fiscal year 1982:
  (A) New budget authority, $4,900,000,000;
  (B) Outlays, $4,600,000,000.
(16) General Purpose Fiscal Assistance (850):
 Fiscal year 1981:
  (A) New budget authority, $8,200,000,000;
  (B) Outlays, $8,600,000,000.
 Fiscal year 1982:
  (A) New budget authority, $8,200,000,000;
  (B) Outlays, $8,200,000,000.
(17) Interest (900):
 Fiscal year 1981:
  (A) New budget authority, $60,900,000,000;
  (B) Outlays, $60,900,000,000.

Fiscal year 1982:
(A) New budget authority, $62,300,000,000;
(B) Outlays, $62,300,000,000.
(18) Allowances (920):
Fiscal year 1981:
(A) New budget authority, $0;
(B) Outlays, $0.
Fiscal year 1982:
(A) New budget authority, $100,000,000;
(B) Outlays, $100,000,000.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1981:
(A) New budget authority, −$21,500,000,000;
(B) Outlays, −$21,500,000,000.
Fiscal year 1982:
(A) New budget authority, −$23,900,000,000;
(B) Outlays, −$23,900,000,000.

SEC. 5. The House projects the following budget aggregates for fiscal years 1981 and 1982, based on the policies assumed in sections (1) and (2) above:

(1) The level of Federal revenues is as follows:
Fiscal year 1981: $603,200,000,000;
Fiscal year 1982: $703,400,000,000.
(2) The level of total new budget authority is as follows:
Fiscal year 1981: $668,137,000,000;
Fiscal year 1982: $730,318,000,000.
(3) The level of total budget outlays is as follows:
Fiscal year 1981: $602,699,000,000;
Fiscal year 1982: $655,869,000,000.
(4) The amount of surplus in the budget is as follows:
Fiscal year 1981: $501,000,000;
Fiscal year 1982: $47,531,000,000.
(5) The level of the public debt is as follows:
Fiscal year 1981: $921,900,000,000;
Fiscal year 1982: $920,400,000,000.

GENERAL PROVISIONS

SEC. 6. (a) In 1980, each standing committee of the House of Representatives having jurisdiction over entitlement programs shall include in its March 15 report to the Budget Committee of the House of Representatives specific recommendations as to what changes, if any, would be appropriate in the funding mechanisms of such programs to enable Congress to exercise more fiscal control over expenditures mandated by these entitlements.

Within a reasonable period of time after March 15, 1980, the Budget Committee of the House of Representatives shall submit to the House such recommendations as it considers appropriate based on such reports.

(b) The Congress reaffirms its commitment to find a way within the congressional budget process to relate accurately the outlays of off-budget Federal entities to the budget. The Congress recognizes that by law the outlays of off-budget Federal entities are not reflected in the budget totals, and that in fiscal year 1980, off-budget outlays (and, hence, the off-budget deficit) are estimated to be $16,000,000,000.

Agreed to November 28, 1979.

Nov. 29, 1979
[S. Con. Res. 55]

CORRECTION OF ENROLLED BILL S. 1871

Ante, p. 1053.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1871) the Secretary of the Senate shall correct the title of the bill by striking out "for 2 years" where it appears therein.

Agreed to November 29, 1979.

Dec. 6, 1979
[H. Con. Res. 184]

"7TH EDITION OF THE IMMIGRATION AND NATIONALITY ACT WITH AMENDMENTS AND NOTES ON RELATED LAWS"

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That at such time as the committee print entitled "7th Edition of the Immigration and Nationality Act with Amendments and Notes on Related Laws", is printed, there shall be printed an additional twelve thousand copies, of which nine thousand copies shall be for the use of the House Committee on the Judiciary and three thousand copies for the use of the Senate Committee on the Judiciary.

Agreed to December 6, 1979.

Dec. 19, 1979
[H. Con. Res. 219]

INTERNATIONAL CONFERENCE ON CAMBODIA

Whereas a protracted conflict in Cambodia presents a serious threat to the peace and stability of Southeast Asia; and
Whereas the American people are deeply concerned about the survival of the Khmer people, now threatened by war, disease, and hunger; and
Whereas it is in the interest of all governments to support a peaceful resolution of the Cambodian conflict; and
Whereas the Cambodian people endured four years of terror and deprivation during which untold numbers of Cambodians lost their lives due to the brutality of one of the world's worst violators of human rights; and
Whereas the continued conflict in Cambodia has hampered the international relief effort to prevent the destruction of the Cambodian people; and
Whereas the recent vote in the United Nations General Assembly indicated widespread support for an international conference on Cambodia: Now, therefore, be it

***Resolved by the House of Representatives (the Senate concurring)*, That the Congress calls upon the President to work with the Secretary General of the United Nations and the concerned nations of the world to convene, as soon as possible, an international conference on Cambodia which would bring together all those claiming to represent the people of Cambodia, as well as those nations which have a special interest in the Cambodian situation, and which would have as its purposes—**

(1) to consider all elements essential to ending the conflict in Southeast Asia;

(2) to work for a political situation that would ensure the survival of the Khmer race and the Khmer nation;

(3) to strive to bring about an end to the fighting in Cambodia and the withdrawal of all foreign troops from that nation;

(4) to work for internationally supervised elections that would allow the Khmer people to choose freely their leadership;

(5) to promote the establishment of a neutral, nonalined Cambodia that would present no threat to any other nation; and

(6) to devise means of meeting the urgent needs of the Khmer people for humanitarian relief and reconstruction.

Agreed to December 19, 1979.

THE LOCATION OF CHANCERIES AMENDMENT ACT OF 1979

Dec. 20, 1979
[S. Con. Res. 63]

Resolved by the Senate (the House of Representatives concurring), That the Congress disapproves of the action of the District of Columbia Council, described as follows: The Location of Chanceries Amendment Act of 1979, act 3-120, passed by the Council of the District of Columbia on October 9, 1979, signed by the Mayor on November 9, 1979, and transmitted to the Congress pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, on November 19, 1979.

D.C. Council action, congressional disapproval.

D.C. Code note prec. title 1.

Agreed to December 20, 1979.

BALTIC STATES—SELF-DETERMINATION AND CITIZENSHIP

Dec. 20, 1979
[H. Con. Res. 200]

Whereas the United States since its inception has been committed to the principle of self-determination; and

Whereas the United States as a member of the United Nations has pledged to uphold the provisions of the United Nations Charter and to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

Whereas the United Nations and the United States delegation to the United Nations have consistently upheld the right of self-determination of people of those countries in Asia and Africa that are, or have been, under foreign political rule;

Whereas the United States, as a signatory to the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII concerning equal rights and self-determination of peoples; and

Whereas in 1940 the Soviet Union unilaterally and forcibly annexed the Baltic States (Lithuania, Latvia, and Estonia), which were sovereign members of the League of Nations; and

Whereas in 1954 the House of Representatives Select Committee to Investigate Communist Aggression concluded that the Baltic States "were forcibly occupied and illegally annexed by the Union of Soviet Socialist Republics" and that "the continued military and political occupations of Lithuania, Latvia, and Estonia by the Union of Soviet Socialist Republics is a cause of the dangerous world tensions which now beset mankind and therefore constitute a serious threat to the peace"; and

Whereas the desire of the citizens of the Baltic States for national independence remains strong despite efforts by the Soviet Union to destroy the Baltic peoples as distinct cultural, geographical, ethnic, and political entities through dispersions and deportations to Siberia, replacing them with ethnic Russians; and

Whereas the peoples of the Baltic States are entitled to equal rights and self-determination as set forth in Principle VIII of the Helsinki Final Act and should be allowed to hold free elections conducted under the auspices of the United Nations after the withdrawal of all Soviet military forces and political, administrative, and police personnel from the Baltic States; and

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States, and continues to maintain diplomatic relations with representatives of the independent Republics of Lithuania, Latvia, and Estonia; and

Whereas in past years this policy has received strong support in the Congress; and

Whereas, in addition, the United States since its inception has been committed to the protection of its citizens, whether naturalized or native born; and

Whereas the Soviet Union recently promulgated a law designating as a Soviet citizen any person who was born in the Soviet Union, was naturalized as a Soviet citizen, or is the child of parents who were Soviet citizens at the time of the child's birth, irrespective of whether the child was born on Soviet territory; and

Whereas this law which went into effect on July 1, 1979, states that a person who is a Soviet citizen is not recognized as having the citizenship of a foreign state, and thus specifically does not recognize United States citizenship in such cases; and

Whereas this law applies to millions of Americans, including those who, under United States law, are native-born citizens of the United States; and

Whereas this Soviet law intimidates many United States citizens who might otherwise travel to the Soviet Union or come under Soviet authority or control: Now, therefore, be it

Sense of Congress.

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that the President, in order to assure true and genuine peace in the Baltic region and in Europe in general, should instruct the United States delegation to the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to seek full implementation of Principle VIII of the Helsinki Final Act concerning equal rights and self-determination of peoples.

(b) It is further the sense of the Congress that the President should, through such channels as the International Communication Agency and other information agencies of the United States Government, do his utmost to bring the matter of the Baltic States to the attention of all nations by means of special radio programs and publications.

(c) It is further the sense of the Congress that the President should use his good offices to make every effort to gain the support and cooperation of other nations for the realization of the independence of the Baltic States.

SEC. 2. (a) The Congress views with deep concern the action on the part of the Soviet Union making citizenship claims on millions of Americans who were born in the United States or naturalized.

(b) It is the sense of the Congress that the President should warn the Soviet Union against taking any action under this new Soviet citizenship law which would be detrimental to the interests of the United States and its individual citizens, and that the Secretary of State should inform United States citizens planning to visit the Soviet Union of the implications of this law.

Agreed to December 20, 1979.

IDA NUDEL—RELEASE FROM SOVIET EXILE AND EMIGRATION TO ISRAEL

Dec. 20, 1979
[H. Con. Res. 202]

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all people the right to emigrate; and

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits signatory countries to "deal in a positive and humanitarian spirit" with the applications of persons wishing to emigrate to rejoin relatives; and

Whereas the Soviet Union signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights; and

Whereas Ida Nudel first applied to emigrate from the Soviet Union to Israel in 1971 to rejoin her only living relatives; and

Whereas Ida Nudel has devoted her life to the plight of Jewish political prisoners throughout the Soviet Union; and

Whereas Ida Nudel has been convicted by the Soviet Government of "malicious hooliganism" for hanging a banner on her balcony which said, "KGB, give me my visa"; and

Whereas Ida Nudel was sentenced to four years of exile in Siberia after a trial in which no witnesses were allowed to testify in her defense; and

Whereas Ida Nudel's health has deteriorated to the point where it is unlikely that she can withstand another Siberian winter; and

Whereas the continuing harassment of political and religious activists and intellectuals in the Soviet Union and in some other countries in Eastern Europe is a source of great concern to the American people and the United States Congress: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should release Ida Nudel from exile and allow her to emigrate to Israel so that she can be reunited with her sister and husband.

Sense of Congress.

SEC. 2. The Congress urges the President, acting directly or through the Secretary of State or other appropriate executive branch officials—

(1) to continue to express at every suitable opportunity and in the strongest terms the opposition of the United States to the exile of Ida Nudel to Siberia; and

(2) to inform the Soviet Union that the United States, in evaluating its relations with other countries, will take into account the extent to which those countries honor their commitments under international law, particularly with respect to the protection of human rights.

SEC. 3. The Clerk of the House of Representatives shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

Transmittal to Soviet officials.

Agreed to December 20, 1979.

Dec. 21, 1979
[H. Con. Res. 232]

ADJOURNMENT SINE DIE—CONVENING OF SECOND SESSION OF NINETY-SIXTH CONGRESS

Resolved by the House of Representatives (the Senate concurring), That when the Senate completes action on the conference report on the Act providing loan guarantees for the benefit of the Chrysler Corporation, and any other matter the majority leader (after consultation with the minority leader) deems necessary, on Thursday, December 20, 1979, or Friday, December 21, 1979, or Saturday, December 22, 1979, or Thursday, December 27, 1979, or Friday, December 28, 1979, or Saturday, December 29, 1979, or Monday, December 31, 1979, or Wednesday, January 2, 1980, it stand in adjournment sine die.

Sec. 2. That when the Congress convenes on January 3, 1980, for the second session of the Ninety-sixth Congress, neither the House nor the Senate shall conduct organizational or legislative business until Tuesday, January 22, 1980, except as provided in section 4 of this resolution.

Sec. 3. That when the House adjourns on January 3, 1980, it shall meet at 12 meridian only on Thursdays and Mondays, and that when the Senate recesses on January 3, 1980, it stand in recess until 12 meridian on January 10, 1980, followed by a recess until 12 meridian on Thursday, January 17, 1980, and that when the House adjourns on January 17, 1980, and when the Senate recesses on that date, they stand in adjournment and recess, respectively, until 12 meridian on January 22, 1980.

Sec. 4. Notwithstanding any other provision of this resolution, on any day before January 22, 1980, the two Houses, or either of them, shall convene upon twenty-four hours' notice to the Members of the Senate and the House, respectively by the majority leader of the Senate (acting after consultation with the minority leader of the Senate), and by the Speaker of the House (acting after consultation with the minority leader of the House).

Agreed to December 21, 1979.

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PROCLAMATIONS

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Proclamation 4606 • **October 20, 1978**

National Family Week, 1978

By the President of the United States of America

A Proclamation

Families differ, but the values of family life are unchanging—warmth, love, compassion, support, and understanding. Families are the building blocks of civilization. Our social and individual achievements, be they great or small, can generally be traced to early family influences. Family values are our most fundamental and lasting heritage.

Changing social patterns have threatened family stability. In today's increasingly complex world it is important to maintain the values and continuity of family life. All families are important, but the extended family, the foster family and the adoptive family play a special role by relieving the isolation of those who lack the comfort of a loving nuclear family.

Thus, National Family Week offers the opportunity to pay special tribute to those who open their homes and provide the warmth of family life to those who would otherwise be alone. We salute all families as we focus attention this week on opportunities to restore their strength and help them meet the challenges of contemporary society.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in accordance with a joint resolution of Congress, do hereby proclaim the week of November 19, 1978, as National Family Week and call upon the American people to observe this week with appropriate thoughts and actions in their houses and communities. 92 Stat. 1094.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4607 • **October 20, 1978**

Thanksgiving Day, 1978

By the President of the United States of America

A Proclamation

Since 1621, the people of this country have gathered each year to celebrate with a feast their good fortune in their continuing ability to provide for families and friends.

On this Thanksgiving Day, we reaffirm our faith in our heritage of freedom, and our spirit of sharing.

In the spirit of Thanksgiving, Americans humbly recognize how fortunate we are to be strong—as individuals, and as a nation. It is that strength which allows us to display compassion for those around the world who face difficulties that our forefathers, blessed with the American land, were able to overcome.

While Providence has provided Americans with fertile land and bountiful harvests, other nations and peoples have not been so favored. Each year growing food supplies give us greater cause for giving thanks, yet one person in six worldwide still suffers from chronic hunger and malnutrition.

Two hundred years ago the Continental Congress proclaimed a day of thanks, and asked for deliverance from war. This year, let us observe Thanksgiving in the spirit of peace and sharing, by declaring it a day of Thankful Giving, a day upon which the American people share their plenty with the hungry of other lands.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in accordance with Section 6103 of Title 5 of the United States Code, do proclaim Thursday, the 23rd of November, 1978, as Thanksgiving Day.

I call upon the Governors, Mayors, and all other State and local officials to broaden the observance of Thanksgiving to include the practice of Thankful Giving in their celebration, inviting Americans to share with those abroad who suffer from hunger.

I call upon the American people to make personal donations to religious or secular charities to combat chronic hunger and malnutrition, and to support the concept of Thankful Giving in order that we may one day assure that no individual anywhere will suffer from hunger, and that we may move to a day of universal celebration in a more perfect community within our nation and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4608 **November 15, 1978**

Temporary Duty Increase on the Importation Into the United States of Certain High-Carbon Ferrochromium

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission (USITC) on September 5, 1978, reported to the President (USITC Report 201-35) the results of its investigation under section 201(b)(1) of the Trade Act (19 U.S.C. 2251(b)(1)). The USITC determined that ferrochromium, containing over 3 percent by weight of carbon, provided for in item 607.31 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) is being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly competitive with the imported article. The USITC recommended the imposition of tariff increases on the column 1 rate of 30 percent ad valorem in the first year declining to 20 percent ad valorem in the fifth year of relief.

2. On November 2, 1978, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the injury found to exist by the USITC through the proclamation of a temporary duty increase different from that recommended by the USITC. In accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a temporary duty increase and stating the reasons why my decision differed from the action recommended by the USITC.

3. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

4. Pursuant to section 203(a)(1) of the Trade Act (19 U.S.C. 2253(a)(1)), I am providing import relief through the temporary increase of import duty on ferrochromium, containing over 3 percent by weight of carbon, valued less than 38 cents per pound, as hereinafter proclaimed.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including General Headnote 4 of the TSUS (19 U.S.C. 1202), sections 203 and 604 of the Trade Act (19 U.S.C. 2253 and 2483), and in accordance with Articles I and XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A 12 and 61 Stat. (pt. 5) A 58: 8 UST (pt. 2) 1786), do proclaim that— USC prec. title 1.

(1) Part I of Schedule XX to the GATT is modified to conform to the actions taken in the Annex to this proclamation. 61 Stat. A1157.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation. 19 USC 1202.

(3) This proclamation shall be effective as to those articles entered, or withdrawn from warehouse, for consumption on or after November 17, 1978, and before the close of November 16, 1981, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the TSUS is modified by inserting in numerical sequence the following new provision:

Item	Articles	Rates of Duty		Period
		1	2	
923.18	Ferrochromium, containing over 3 percent by weight of carbon, valued less than 38 cents per pound, provided for in item 607.31	4.625¢ per lb. on chromium content	4.625¢ per lb. on chromium content	On or before 11/15/81

Proclamation 4609 • **November 28, 1978**

Bill of Rights Day

Human Rights Day and Week, 1978

By the President of the United States of America

A Proclamation

Two great events in the history of human liberty will be commemorated in December: the ratification, on December 15, 1791, of the Bill of Rights of the Constitution of the United States, and the adoption, on December 10, 1948, of the Universal Declaration of Human Rights by the United Nations General Assembly. USC prec. title 1.

The anniversary of the Bill of Rights reminds us that our Nation is a continuing experiment in human freedom. Because of the Bill of Rights, we have been able to weather 187 years of tumultuous social and technological change without losing our fundamental liberties. Indeed, those liberties have actually expanded in scope, and have grown to encompass a steadily larger proportion of our people. We can be proud of what we have achieved. But we cannot be complacent, for too many Americans are still denied a fair opportunity to enjoy the rights and rewards of our society. That is why Bill of Rights Day should be a day of rededication as well as of commemoration.

This year, we mark the 30th anniversary of the Universal Declaration of Human Rights.

The Declaration is the cornerstone of a developing international consensus on human rights. It is also the authoritative statement of the meaning of the United Nations Charter, through which member nations undertake to promote, respect and observe human rights and fundamental freedoms for all, without discrimination. A long and difficult road must be travelled before the reality of human rights in the world matches the words of the Declaration. The Declaration will light that road and give strength to all who follow it.

The Universal Declaration is the heart of a body of important United Nations human rights documents: the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Racial Discrimination, the Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural Rights. The United States signed the Genocide Convention in 1948 and the Racial Discrimination Convention in 1966. I signed the other two Covenants on October 4, 1977. I hope that the United States Senate will soon approve the Genocide Convention at last, and will undertake early hearings to permit our Nation's adherence to the three remaining instruments. There could be no more appropriate gesture to mark the anniversary of the Universal Declaration.

I also signed the American Convention on Human Rights on June 1, 1977. I am proud that since then, eleven nations of the Americas have ratified it, thus bringing it into force.

The great and noble struggle to realize the rights of all men and women goes on. In the face of injustice and oppression, human beings continue to sacrifice and strive for justice and for human dignity.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim December 10, 1978, as Human Rights Day and December 15, 1978, as Bill of Rights Day, and call on all Americans to observe Human Rights Week beginning December 10, 1978. Let us reaffirm our dedication to the promise of this Nation for all citizens. And let us renew our efforts as members of the world community on behalf of the human rights of all people everywhere.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of November, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4610 • **November 30, 1978**

Modification of Quotas on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

A Proclamation

1. By Proclamation 4334 of November 16, 1974, the President modified Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202, hereinafter referred to as the "TSUS") to establish, effective January 1, 1975, following expiration of the Sugar Act of 1948, rates of duty and a quota applicable to sugars, sirups and molasses described in items 155.20 and 155.30 of the TSUS. 7 USC 1100 note.

The President subsequently modified the rates of duty by Proclamation 4463 of September 21, 1976, Proclamation 4466 of October 4, 1976, and Proclamation 4539 of November 11, 1977.

19 USC 1202.

2. The President took these actions pursuant to authority vested in him by the Constitution and statutes of the United States, including section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)), and in conformity with Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS, hereinafter referred to as the "Headnote." The Headnote was part of a trade agreement which embodied the results of the "Kennedy Round" of international trade negotiations. That agreement is known formally as the 1967 Geneva Protocol to the General Agreement on Tariffs and Trade, and the agreement includes, as an Annex, "Schedule XX," a schedule of United States trade concessions made during those negotiations. This agreement was concluded pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)), and was implemented by Proclamation No. 3822, of December 16, 1967, (82 Stat. 1455) which, *inter alia*, added the Headnote to the TSUS.

19 USC 1202.

19 UST 1.

3. The Headnote provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . .

61 Stat. A3.

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

4. Section 201(a)(2) of the Trade Expansion Act authorizes the President to proclaim the modification or continuance of any existing duty or other import retrictions, or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act, except that pursuant to section 201(b)(2) of the Act, the President may not by proclamation increase a rate of duty to a rate more than 50 percent above the rate existing on July 1, 1934.

19 USC 1821.

5. I find that the modifications hereinafter proclaimed of the quota applicable to items 155.20 and 155.30 of the TSUS are appropriate to carry out the International Sugar Agreement, 1977, and that portion of the Kennedy Round Trade agreement set forth in the Headnote, and as provided for in the Headnote, give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

61 Stat. A3.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, and in conformity with Headnote 2, Subpart A of Part 10 of Schedule 1, of the TSUS, do hereby proclaim until otherwise superseded by law:

USC prec. title 1.
19 USC 1821.
19 USC 1202.

A. Headnote 3 of Subpart A, Part 10, Schedule 1 of the TSUS is modified to provide as follows:

(3) The total amount of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, entered, or withdrawn from warehouse, for consumption in any calendar year shall not exceed, in the aggregate, 6,900,000 short tons, raw value. Of this quantity, not more than 210,987 short tons, raw value, the product of the Republic of China, and not more than 150,544 short tons, raw value, in the aggregate, the products of all foreign countries other than Argentina, Australia, Bangladesh, Barbados, Belize, Bolivia, Brazil, Bulgaria, Canada, Costa Rica, Cuba, Republic of China, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, German Democratic Republic, Guatemala, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Japan, Kenya, Republic of Korea, Madagascar, Malawi, Mauritius, Mexico, Mozambique, New Zealand, Nicaragua,

Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Singapore, South Africa, St. Christopher-Nevis-Anguilla, Swaziland, Sweden, Thailand, Trinidad and Tobago, Uganda, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia, may be entered, or withdrawn from warehouse for consumption in the period between January 1, 1978 and December 31, 1979, inclusive. For the purposes of this Headnote, the term "raw value" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The prinicpal grades and types of sugar shall be translated into terms of raw value in the following manner:

(i) For articles described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).

(ii) For articles described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.

B. The provisions of this proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after the date of publication of this Proclamation in the Federal Register, except that articles which were released under the provisions of section 448(b) of Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall be not be denied entry.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

Proclamation 4611 • **December 1, 1978**

Admiralty Island National Monument

By the President of the United States of America

A Proclamation

Admiralty Island is outstanding for its superlative combination of scientific and historic objects. Admiralty Island contains unique resources of scientific interest which need protection to assure continued opportunities for study.

Admiralty Island has been continuously inhabited by Tlingit Indians for approximately 10,000 years. Archeological sites and objects are plentiful in the areas of Angoon, Chaik Bay, Whitewater Bay and other bays and inlets on the island. These resources provide historical documentation of continuing value for study. The continued presence of these natives on the island add to the scientific and historical value of the area.

The cultural history of the Tlingit Indians is rich in ceremony and creative arts and complex in its social, legal and political systems. Admiralty provides a unique combination of archeological and historical resources in a relatively unspoiled natural ecosystem that enhances their value for scientific study.

Subsequent to exploration and mapping by Captain George Vancouver at the end of the 18th century, Russian fur traders, Yankee whalers, and miners and prospectors have left objects and sites on Admiralty which provide valuable historical documentation of white settlement and exploitation of the island and its resources. Admiralty Island is rich in historic structures and sites, including whaling stations, canneries, old mining structures and old village sites, for example, Killisnoo Village where a whaling and herring saltery station were established in 1880.

Unusual aspects of the island ecology include its exceptional distribution of animal species, including dense populations of brown bears and eagles, but excluding entirely—because of the island's separation from the mainland—a large number of species indigenous to the general area. This peculiar distribution enhances the island's value for scientific study.

The unique island ecology includes the highest known density of nesting bald eagles (more than are found in all the other States combined); large numbers of Alaska brown bear; and the largest unspoiled coastal island ecosystem in North America. Admiralty Island was added to the Tongass National Forest in 1909, and specific portions of the island have been designated as bear and eagle management areas and numerous scientific studies of the bear and eagle habitat have been conducted by scientists from around the world. The island is an outdoor living laboratory for the study of the bald eagle and Alaska brown bear.

Protection of the entire island, exclusive of the Mansfield Peninsula, is necessary to preserve intact the unique scientific and historic objects and sites located there. Designation of a smaller area would not serve the scientific purpose of preserving intact this unique coastal island ecosystem.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the Monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be National Monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906, (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Admiralty Island National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Admiralty Island National Monument (Copper River Meridian)", attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 1,100,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement

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[1] The description of the boundaries and map are printed in the Federal Register of December 5, 1978 (43 FR 57011).

Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4612 **December 1, 1978**

Aniakchak National Monument

By the President of the United States of America

A Proclamation

The Aniakchak Caldera is located in the heart of the Alaska Peninsula. It is so unexpected a feature that it remained unknown to all but the Natives of the region until about 1920. With its average diameter of approximately six miles, Aniakchak is one of the world's largest calderas.

In the interior of the caldera are textbook examples of certain volcanic features such as lava flows, cinder cones, and explosion pits. Also lying within the caldera is Surprise Lake which is fed by warm springs and is uniquely charged with chemicals. Surprise Lake is the source of the Aniakchak River, which cascades through a 1,500 foot gash in the caldera wall and downward for 27 miles to the Pacific Ocean.

The flanks of the caldera provide a geological and biological continuum by which to make a comparative study of the formation of the caldera and the significant process of biological succession of both plant and animal species occurring in the vicinity of the caldera, an area that was rendered virtually devoid of life forms by a major eruption of the volcano in 1931.

The caldera is also climatologically unique in that, because of its topography and setting, it appears to be able to generate its own weather. A striking phenomenon known as cloud "niagaras" occurs frequently as strong downdrafts form over the caldera walls.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological, climatological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Aniakchak National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Aniakchak National Monument on the map numbered ANIA-90,006 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 350,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, rights confirmed in Section 15 of the Act of January 2, 1976 (89 Stat. 1145), and valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21). 43 USC 1611 note.

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated Setpember 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57015)

Proclamation 4613 • **December 1, 1978**

Becharof National Monument

By the President of the United States of America

A Proclamation

This monument on the Alaska Peninsula supports one of the densest known populations of the great Alaska brown bear. This area encompasses habitat used by a discrete population of bears for denning and foraging, both north and south of Becharof Lake.

At the southern end of Becharof Lake, several hundred bears concentrate during salmon spawning season. Certain of the bears make their dens in the area on islands a few feet above the water level, a unique phenomenon of great interest in the study of this great carnivore. Deeply worn bear trails also indicate decades of extensive use, making this area important to the study of the bears' long term habits and population fluctuation. Rich salmon spawning habitats and the presence of such prey species as caribou and moose are key factors in the intensive use of the area by the bears.

The biology of the brown bears, their habitat and associated plant and animal species within the monument, together with other ecological features of the area, combine to offer excellent opportunities for scientific study and research.

The area is interesting and significant geologically, as it contains one of Alaska's most recent volcanically active areas, the Gas Rocks under Mount Peulik. Studies here of recent volcanism may contribute to the growing understanding of this powerful geological force.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Becharof National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Becharof National Monument on the map numbered FWS-81-00-0414 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 1,200,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57021).

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any public land order effecting a withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of sport hunting, and of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population or to sport hunting of a particular fish or wildlife population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4614 • **December 1, 1978**

Bering Land Bridge National Monument

By the President of the United States of America

A Proclamation

The Bering Land Bridge, now overlain by the Chukchi Sea, the Bering Sea and Bering Strait, was the migration route by which many plants, animals, and humans arrived on the North American continent. The monument hereby created has within it an invaluable record of this migration.

There are found here rich archeological sites giving evidence of human migration during the periods the Bridge was water-free. Also found are paleontological sites providing abundant evidence of the migration of plants and animals onto the continent in the ages before the human migrations. The arctic conditions here are favorable to the preservation of this paleontological record from minute pollen grains and insects to the large mammals such as the mammoth.

The monument is also the summering area for a number of Old World bird species, which feed and nest in the area. It is one of the few places in North America where ornithologists are able to study these species.

The diversity of the soils, topography, permafrost action and climate within the monument leads to an excellent representation of varied, yet interrelated tundra plant communities. Their proximity and diversity make the area a prime outdoor laboratory.

The area is also rich in volcanics. Here is the opportunity to study unique Arctic lava flows which erupted through deep permafrost. The tubes and cracks of these flows are now filled with the sheen of permanent ice. In the Devil Mountain area are the uniquely paired maar explosion craters which were formed by violent explosions resulting from the steam pressure released when the hot volcanic ejecta contacted the water and ice that covered this wetland area. These craters are now crystal clear lakes bounded by a shoreline of volcanic ash, cinders and scoria.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, paleontological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Bering Land Bridge National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Bering Land Bridge National Monument on the map numbered BELA-90,006 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 2,590,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57027).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton,* Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4615 • **December 1, 1978**

Cape Krusenstern National Monument

By the President of the United States of America

A Proclamation

The area of northwest Alaska known as Cape Krusenstern contains an archeological record of great significance. The Cape's bluffs and its series of one hundred fourteen horizontal beach ridges hold an archeological record of every major cultural period associated with habitation of the Alaska coastline in the last 5000 years.

The unglaciated lands lying inland, including the Kakagrak Hills, the Rabbit Creek area and others, have an older archeological record dating back to pre-Eskimo periods of at least 8000 years ago. This continuum of evidence is of great historic and scientific importance in the study of human survival and cultural evolution.

There are in this area examples of other unique natural processes. The climatological conditions are conducive to the formation of Naleds, one spectacular example of which occurs in the area. In the same inland area at Kilikmak Creek is found the only known Alaskan example of a still recognizable Illinoisian glacial esker, a formation which is over 100,000 years old.

The unique geologic process of erosion and sediment transport in this area created and continues to create the beach ridges in which is preserved the archeological record of the beach civilizations. Also found in the area is a wide variety of plant and animal species, from the marine life along the shoreline and its lagoons to the inland populations such as musk-oxen, Dall sheep, caribou and many smaller species.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Cape Krusenstern National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Cape Krusenstern National Monument on the map numbered CAKR-90,008 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 560,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57033).

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4616 • **December 1, 1978**

Denali National Monument

By the President of the United States of America

A Proclamation

In the creation of Mount McKinley National Park the southern half of the mountain's massif was inadvertently excluded from the Park. The creation of Denali National Monument will bring within the protection of the National Park System the entirety of this, the higest peak on the North American continent. This face markedly differs from the north side for it has a more gradual rise and a significant system of glaciers. It is also the approach route used historically by those seeking to scale Mount McKinley.

Certain of the glaciers on the south face are among the largest in Alaska, reaching up to 45 miles in length. Yet, only the very uppermost parts are presently within the National Park. Their protection is enhanced by the creation of this monument.

In the southwest area of the monument hereby created are the geologically unique Cathedral Spires. From this granitic pluton mass radiate eight major glacial troughs exhibiting cirques and headwalls rising 5,000 feet from their bases.

The monument also protects significant habitat for the McKinley caribou herd which has provided a basis for scientific study since the early twentieth century. Associated with the herd in this ecosystem are other scientifically important mammals such as grizzly bear, wolf and wolverine.

The Toklat River region includes a unique area of warm springs which attracts an unusual late run of Chum salmon. This run provides an important late fall food source for the grizzly bear population of the area which, because of its accessibility, has been the subject of many scientific studies.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34

Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Denali National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Denali National Monument on the map numbered DENA-90,007 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 3,890,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57037)

Proclamation 4617 • **December 1, 1978**

Gates of the Arctic National Monument

By the President of the United States of America

A Proclamation

Lying wholly north of the Arctic Circle, the Gates of the Arctic National Monument hereby created preserves an area containing a wide variety of interior arctic geological and biological forms. The essence of the geology of the area is its great diversity. There are excellent examples of glacial action which formed U-shaped valleys and morraine-dammed lakes. In contrast are the fissure-shaped precipices of Ernie Creek and the tilted limestone blocks along the northern edge of the Brooks Range.

Associated with these various land forms is a progression of ecosystems representing a continuum of communities from the boreal spruce forest and riparian shrub thickets in the south to the arctic tussock tundra in the north. These communities of plants and undisturbed animals offer excellent opportunities for study of natural interaction of the species.

The monument also protects a substantial portion of the habitat requirements for the Western Arctic caribou herd which uses ancient routes through the mountains for migration. This herd, which has suffered severe population losses recently, is of great value for the study of the population dynamics relating to both the decline and recovery of the herd.

The archeological and historical significance of the area is demonstrated by the studies which have revealed evidence of human habitation for approximately 7,000 years. Several known traditional Indian-Eskimo trade routes run through the monument area giving the promise of further important archeological discoveries. In the Wiseman and Ernie's Cabin mining regions in the south are offered opportunities for historical study of the life of the Alaskan pioneer miner of the early twentieth century.

The land withdrawn and reserved by this Proclamation for the protection of the biological, geological, archeological, historical, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends upon subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Gates of the Arctic National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Gates of the Arctic National Monument on the map numbered GAAR-90,011 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 8,220,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57045)

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4618 • **December 1, 1978**

Enlarging the Glacier Bay National Monument

By the President of the United States of America

A Proclamation

Glacier Bay National Monument was created by Presidential Proclamation in 1925 and was enlarged in 1939 and again in 1955. It protects the great tidewater glaciers and a dramatic range of plant communities. The enlargement accomplished by this Proclamation furthers the protection of the array of geological and ecological interests in the area.

This addition includes the northwesterly side of Mount Fairweather, the highest peak in this part of Alaska, and the Grand Plateau Glacier, both significant to students of glaciology.

The Alsek River corridor provides the only pass through the coastal mountain range for 120 miles. This is the route by which large mammals first entered this isolated area and is used by a significant percentage of the Alaska bald eagle population en route to the Klukwan area where they winter.

The addition also protects two botanically significant areas. In the hills flanking Grand Plateau Glacier live the oldest plant communities in southeast Alaska which survive because the area escaped both glaciation and inundation. Also important to the study of ecological succession are the mature aquatic vegetative communities of the pre-neoglacial lakes in the Deception Hills area.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological, and other phenomena enumerated above supports now, as it has in the past, a unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the area added to the Glacier Bay National Monument by this Proclamation.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved for inclusion in the Glacier Bay National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Enlargement of Glacier Bay National Monument on the map numbered GLBA-90,005 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 550,000 acres, and is necessary to ensure the proper care and management of the objects the monument was established to preserve and those added by this Proclamation. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this addition are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this addition is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act, (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Furthermore, nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57055).

United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this addition, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4619 • **December 1, 1978**

Enlarging the Katmai National Monument

By the President of the United States of America

A Proclamation

In 1912, Mount Katmai gave vent to an extremely violent volcanic eruption. To preserve this excellent example of recent volcanism and ash deposition, Katmai National Monument was established in 1918. In the ensuing years it was recognized that in addition to the volcanoes, the area included a significant population of Alaskan brown bear and important spawning grounds for the Bristol Bay red salmon. The area was enlarged in view of these features in 1931, 1942 and 1969.

Continued research has revealed that the bear population is more mobile than originally believed. By the addition made hereby, a viable gene-pool population of the Alaskan brown bear can be protected free from human harassment. The addition closes a fifteen mile gap between the former monument boundary and the McNeil River State Game Sanctuary thereby completing the protection of the range of this population of the world's largest carnivore.

The enlargement also protects the headwaters of the drainages which provide the spawning grounds for the red salmon. By protecting the quality of the water in these watersheds, the drama of the salmon run, a phenomenon of great scientific interest over the years, may be perpetuated.

The land withdrawn and reserved by this Proclamation for the protection of the biologic and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein, because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the area added to Katmai National Monument by this Proclamation.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved for inclusion in the Katmai National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Enlargement of Katmai National Monument on the map numbered KATM-90,007 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 1,370,000 acres, and is necessary to ensure the proper care and management of the objects the monument was established to preserve and those added by this Proclamation. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this addition are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this addition is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Furthermore, nothing in this Proclamation is intended to modify, revoke or abrogate the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this addition, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57061).

Proclamation 4620 • **December 1, 1978**

Kenai Fjords National Monument

By the President of the United States of America

A Proclamation

Kenai Fjords National Monument borders the Gulf of Alaska and includes the Harding Icefield and extensions of mountain peaks out into the sea. The area holds a significant opportunity for geologic study of mountain building and for scientific study of ecological variations from an icecap environment to a marine shoreline environment.

The Harding Icefield, one of the Nation's major icecaps, continues to carve deep glacial valleys through the Kenai Mountains. The mountains themselves illustrate tectonic movement through uplift and subsidence over geologic time. Former alpine valleys are now fjords, and former mountain peaks are now tips of islands and vertical sea stacks.

Between the fjords, richly varied rain forest habitats offer opportunities to study life forms adaptable to the wet coastal environment. On the land these include mountain goat, black bear, otter, ptarmigan, and bald eagle. The area is extremely rich in sea bird life of interest to ornithologists and in marine mammals which come to feed in the fjords from their hauling and resting places on nearby islands. The recovery of the sea otter population from almost total extermination to relatively natural populations in this area is of continuing scientific interest.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Kenai Fjords National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Kenai Fjords National Monument on the map numbered KEFJ-90,008 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 570,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57069).

Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4621 **December 1, 1978**

Kobuk Valley National Monument

By the President of the United States of America

A Proclamation

The Kobuk Valley and its environs, an area located in the northwest interior of Alaska, contains important archeological data and biological and geological features of great scientific significance.

Archeological features within the area illustrate an unbroken continuum of human adaptation to the natural environment from the early pre-Eskimo people of 10,500 years ago to present-day local residents. Scientists recently discovered more than 100 dwellings occupied in about 1250 A.D., comprising the largest settlement of its kind. The Onion Portage Archeological District is located within the area, and is listed on the National Register of Historic Places. Archeological research at Onion Portage has yielded evidence of more than 10,000 years of human occupation.

The area contains the Great and Little Kobuk Sand Dunes, which lie north of the Arctic Circle and include both active and stabilized dunes. Scientific studies of the dunes show them to be older than 33,000 years, and several plants have been found in association with the dunes environment which are scientifically unusual in the area. The Great Kobuk Sand Dunes attain a height of 100 feet.

The inclusion of the watersheds on the north and south of the Kobuk River protects a uniquely representative series of interrelated plant communities. There is here an essentially unspoiled laboratory for the study of the northern boreal forest.

A rich variety of wildlife also occurs within the area. Major portions of the northwest arctic caribou herd move through the area in spring and fall migrations. The area also includes one of only two significant populations of the Alaskan sheefish. The water environment is habitat for nesting waterfowl, moose, and muskrat. A relatively dense population of grizzly and black bears, wolf, wolverine, fox, otter, and other northern furbearing mammals range over the entire area.

The land withdrawn and reserved by this Proclamation for the protection of the archeological, geological, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with these objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is one of the values to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Kobuk Valley National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Kobuk Valley National Monument on the map numbered KOVA-90,010 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 1,710,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57075).

Proclamation 4622 **December 1, 1978**

Lake Clark National Monument

By the President of the United States of America

A Proclamation

An area in south-central Alaska contains examples of geological phenomena associated with two major mountains chains, the Alaska Range and the Chigmit Mountains, in an array that includes jagged peaks and two symmetrical, steaming volcanoes. These volcanoes, Redoubt and Iliamna, have been listed on the National Registry of Natural Landmarks.

The area's land forms also contribute to an outstanding example of ecological diversity in zones which remain relatively unspoiled for continued scientific research. Large mammals such as moose, caribou, Dall sheep, grizzly bear, black bear, and wolverine occur in natural populations. Whistling swans nest and rare trumpeter swans assemble in the area. Other birds, including bald eagle, gyrfalcon, osprey, and endangered peregrine falcon, breed within the area. Seabird colonies occur along the coast. One of the most stable natural populations of caribou in Alaska, the Mulchatna herd, calves and migrates within the area, offering significant opportunities for scientific study of this mammal.

Sockeye salmon runs within the area are exceptional. The area includes the upper drainage of the Kvichak River System, which is the single most productive spawning and rearing habitat for red salmon in the world, and the subject of scientific research for many years.

Historical resources of the area are significant. Kijik Village, on the shore of Lake Clark, is the site marking the first known Russian exploration of the region in the late eighteenth century. The area holds great promise for the discovery of further evidence defining the impact of the Native-European contacts.

The land withdrawn and reserved by this proclamation for the protection of the geological, archeological, historical, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with these objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Lake Clark National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Lake Clark National Monument on the map numbered LACL-90,009 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 2,500,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57081).

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4623 • **December 1, 1978**

Misty Fiords National Monument

By the President of the United States of America

A Proclamation

Misty Fiords is an unspoiled coastal ecosystem containing significant scientific and historical features unique in North America. It is an essentially untouched two million-acre area in the Coast Mountains of Southeast Alaska within which are found nearly all of the important geological and ecological characteristics of the region, including the complete range of coastal to interior climates and ecosystems in a remarkably compact area.

Among the objects of geologic importance are extraordinarily deep and long fiords with sea cliffs rising thousands of feet. Active glaciers along the Canadian border are remnants of the massive ice bodies that covered the region as recently as about 10,000 years ago, at the end of the Pleistocene epoch. However, there have been periodic glacial advances and retreats in more recent historic periods. Some of the area has been free from glaciation for only a short period of time, creating the unusual scientific phenomenon of recent plant succession on newly-exposed land with the accompanying animal species. The Behm Canal, the major inlet at the heart of the area, is more than fifty miles long and extraordinary among natural canals for its length and depth.

The watershed of the Unuk River, which comprises the northern portion of the Misty Fiords area, has its headwaters in Canada. It is steeply mountainous and glaciated and contains the full range of ecosystems and climates from interior to coastal. Mineral springs and lava flows add to the uniqueness of the area and its value for scientific investigation. South of the Unuk, the Chickamin River System and the Le Duc River originate in active glaciers and terminate in Behm Canal. Further south, Rudyard Bay Fiords and Walker Cove are surrounded by high, cold lakes and mountains extending eastward to Canada.

First inhabitants of Misty Fiords may have settled in the area as long ago as 10,000 years. The area contains cultural sites and objects of historical significance, including traditional native hunting and fishing grounds. Later historical evidence includes a mid-1800's military post-port entry on Tongass Island and a salmon cannery in Behm Canal established in the late 1800's.

Misty Fiords is unique in that the area includes wildlife representative of nearly every ecosystem in Southeast Alaska, most notably bald eagles, brown and black bears, moose, wolves, mountain goats and Sitka black-tailed deer. Numerous other bird species nest and feed in the area, notably falcons and waterfowl. Misty Fiords is a major producer of all five species of Pacific salmon and is especially important for king salmon. Numerous other saltwater, freshwater and anadromous fish species and shellfish are plentiful in this area, which is an extraordinarily fertile interface of marine and freshwater environments. Unusual plantlife includes Pacific silver and subalpine fir trees near the northern limit of their range. The area includes an unusual variety of virgin forests, ranging from coastal spruce-hemlock to alpine forests.

As an intact coastal ecosystem, Misty Fiords possesses a collective array of objects of outstanding value for continuing scientific study. The boundaries of the area follow watershed perimeters and include the smallest area compatible with protection of this unique ecosystem and the remarkable geologic and biological objects and features it contains.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, at his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be National Monuments, and to reserve as part thereof parcels of lands, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906, (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved s the Misty Fiords National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Misty Fiords National Monument (Copper River Meridian)", attached to and forming a part of this Proclamation.[1] The area eserved consists of approximately 2,285,000 acres, and is the smallest area compatile with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

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[1] The description of the boundaries and map are printed in the Federal Register of December 5, 1978 3 FR 57089).

All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selection under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (43 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17 (d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4624 • **December 1, 1978**

Noatak National Monument

By the President of the United States of America

A Proclamation

The Noatak River basin is the largest mountain-ringed river basin in the Nation still virtually unaffected by technological human activity. This basin has been designated as a Biosphere Reserve under the United Nations' auspices, in recognition of its international importance for scientific study and research.

The area includes landforms and ecological variations of scientific interest. The Grand Canyon of the Noatak River is a dissected valley 65 miles long. The area contains the northwesternmost fringe of boreal forest in North America, and is a transition zone and migration route for plants and animals between subarctic and arctic environments. The diversity of the flora is among the greatest anywhere in the earth's northern latitudes.

The Noatak Valley area contains a rich variety of birdlife including several Asian species. The area is crossed twice a year by two-thirds of the Western Arctic caribou herd, and is prime habitat for the barren ground grizzly bear, moose, and several predator species.

Nearly 200 archeological sites, dating as far back in time as 5,000 years, are within the area. They give promise of future discoveries leading to a deeper understanding of the area's prehistory.

The Noatak basin is an area where indigenous plants and animals perpetuate themselves naturally, in a freely functioning ecosystem. Protection of this area will assure the preservation of an essential base against which scientists may judge environmental dynamics of the future.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends upon subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Noatak National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Noatak National Monument on the map numbered NOAT-90,004 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 5,800,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of hose objects protected by this monument and for the proper administration of the nonument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, includ-ng, but not limited to, valid selections under the Alaska Native Claims Settlement ct, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska tatehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdraw-, reservation or appropriation, including any withdrawal under Section 17(d)(1) of e Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the na-onal monument shall be the dominant reservation. Nothing in this Proclamation is tended to modify or revoke the terms of the Memorandum of Understanding ted September 1, 1972, entered into between the State of Alaska and the United ates as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. aska, complaint filed April 10, 1972).

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57093).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4625 • **December 1, 1978**

Wrangell-St. Elias National Monument

By the President of the United States of America

A Proclamation

An area of southeastern Alaska adjacent to the International Boundary with Canada contains a variety of landforms, including high mountain peaks and steep canyons, with associated geological, ecological, biological, and historical phenomena of great importance.

The area includes the greatest assemblage of mountain peaks over 14,500 feet in elevation found in the Nation, the Nation's second highest mountain (Mount St. Elias, at 18,008 feet), several inactive and one active volcano (Mount Wrangell), and an active glacial complex, including some of the largest and longest glaciers in the Nation. The high mountain peaks and glaciers offer an excellent opportunity for glaciological studies. The Malaspina Glacier is listed on the National Registry of Natural Landmarks.

Thermal features in the area include the mud cones and hot springs on the western base of Mount Drum. More complete undeveloped river systems exist here than in any other land area in the Nation, with more than 1,000 miles of powerfully running, silt-laden rivers.

Biologically unique subspecies of flora and fauna have developed in the Bremner and Chitina River Valleys. As a result of their isolation by virtue of ice fields and the Copper River, these areas are virtually ecological islands in which development of subspecies is largely unaffected by interchange with outside plant and animal species.

Wildlife populations include the largest population of wild mountain sheep in North America, moose, mountain goat, and a non-migratory population of caribou. The area is the only part of Alaska where four of the five identifiable forms of bear occur, including the interior grizzly, the coastal brown bear, the black bear, and the rare, blue-color phase of the black bear called glacier bear. Along the coast of the Gulf of Alaska bald eagles and a large and varied shorebird population occur.

Cultural development within the area is of interest to archeologists and historians. Three major culture areas converge here, each with distinctive cultural patterns: the North Athapascans, the Pacific Eskimo, and the Chugach. Mining history is evidenced by the Kennecott Copper works, a National Historic Landmark.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological, and other phenomena enumerated above supports now, as it has in the past, a unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Wrangell-St. Elias National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Wrangell-St. Elias National Monument on the map numbered WRST-90,007 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 10,950,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the pubic land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part f the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-46-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by ocal residents. The Secretary may close the national monument, or any portion hereof, to subsistence uses of a particular fish, wildlife or plant population if ecessary for reasons of public safety, administration, or to ensure the natural tability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, estroy or remove any feature of this monument and not to locate or settle upon ny of the lands thereof.

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57103).

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred ans seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4626 • **December 1, 1978**

Yukon-Charley National Monument

By the President of the United States of America

A Proclamation

The Yukon-Charley National Monument, an area in east-central Alaska, includes a combination of historic and scientific features of great significance. The Upper Yukon River basin contains historic remains of early mining activity, and includes outstanding paleontological resources and ecologically diverse natural resources, offering many opportunities for scientific and historic study and research.

The area provides breeding habitat for the endangered peregrine falcon, and may produce about one-fourth of the known individuals of the *anatum peregrine* subspecies in its northern habitat. Wildlife also include isolated wild populations of Dall sheep, moose, bear, wolf, and other large mammals. Nearly 200 species of birds, including 20 different raptors, are present in the area.

Geological and paleontological features within the area are exceptional, including a nearly unbroken visible series of rock strata representing a range in geologic time from pre-Cambrian to Recent. The oldest exposures contain fossils estimated to be 700 million years old, including the earliest forms of animal life. A large array of Ice Age fossils occurs in the area.

Within the area is the Charley River basin, parts of which were unglaciated, preserving relict Pleistocene plant communities. The Charley River is considered to be one of the cleanest and clearest of the major rivers in Alaska, and thereby offers excellent opportunities for scientific studies. In the upper Charley River basin, artifacts occur dating back possibly 11,000 years, attesting to the presence of ancient hunters who were the ancestors of the modern Athapascan people.

The land withdrawn and reserved by this Proclamation for the protection of the historical, archeological, biological, geological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Yukon-Charley National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Yukon-Charley National Monument on the map numbered YUCH-90,009 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 1,720,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska* v. *Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4627 **December 1, 1978**

Yukon Flats National Monument

By the President of the United States of America

A Proclamation

The Yukon Flats National Monument exemplifies the largest and most complete example of an interior Alaskan solar basin with its associated ecosystem. The mountain-ringed Yukon Flats basin straddles the Arctic Circle and is bisected by the Yukon River.

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57115).

The physiography of this basin, coupled with the continuous sunlight of the summer months, results in a climatological phenomenon in the basin of warmer summer temperatures and less cloudiness, precipitation and wind than in surrounding areas. These factors produce a lush wetland area which makes the Yukon Flats basin one of North America's most productive wildlife habitats. The pristine ecological nature of the Yukon Flats offers an excellent opportunity for study of the factors contributing to the immense productivity of the solar basin areas.

The Yukon Flats contributes significant populations of several species of waterfowl to all four of the continent's flyways, including 10-25 percent of the North American breeding population of canvasback ducks. This area is also significant for its capacity to provide nesting for ducks displaced from Canadian pothole provinces in drought years. The productivity, migration flows and key habitat for particular species offer abundant scientific research possibilities.

Additionally, the area produces a unique race of salmon which migrate over 2,000 miles from the sea to spawn. This genetic capability is unknown elsewhere.

From prehistoric times, the area's rich populations of furbearers have attracted humans to the area. The establishment of Fort Yukon, the first English speaking settlement in Alaska, was directly related to the Hudson Bay Company's fur trade. The area's preservation offers to the scientist the opportunity to investigate the life and society of the peoples which utilized these resources.

The land withdrawn and reserved by this Proclamation for the protection of the geological, historical, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, PRESIDENT of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Yukon Flats National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Yukon Flats National Monument on the map numbered FWS-81-00-1514 attached to and forming a part of this Proclamation.[1] The area reserved consists of approximately 10,600,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public lands laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

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[1] The map depicting the area is printed in the Federal Register of December 5, 1978 (43 FR 57121)

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any public land order effecting a withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of sport hunting, and of the opportunity to engage in a subsistence lifestyle by local residents. the Secretary may close this national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population or to sport hunting of a particular fish or wildlife population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4628 • **December 6, 1978**

Knoxville International Energy Exposition of 1982

By the President of the United States of America

A Proclamation

In May 1982, a six-month International Energy Exposition will open in Knoxville, Tennessee, inviting the nations of the world to think anew of man's relationship with the pervasive force of energy which fundamentally shapes the choices people have as to the endurance and enjoyment of life itself. This exposition, whose theme is "Energy Turns the World," will provide a splendid setting in which to explore new technologies to conserve energy, to harness the long-lasting and most renewable sources, and to carry on the search for new sources of energy.

Because of the opportunities which the Exposition offers for a deeper understanding of energy issues and for the stimulation of trade and cultural exchange, this Administration is moving to extend the fullest possible recognition to this event in accordance with Public Law 91-269. On April 26, 1977, I advised the Secretaries of State and Commerce that the Exposition warrants Federal recognition as provided by statute. On April 27, 1977, upon request of the United States, the Bureau of International Expositions officially registered the event as a Special Category exposition by unanimous vote. 22 USC 2801.

Also, in accordance with law, I shall appoint a United States Commissioner General to exercise the responsibility of the United States Government for fulfillment of the Convention of November 22, 1928, Relating to International Expositions, as modified, and to invite the several States of the Union to participate.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in further recognition of this International Energy Exposition, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign countries as he may consider appropriate to participate in this event.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4629 • **December 8, 1978**

Imports of Petroleum and Petroleum Products

By the President of the United States of America

A Proclamation

The Secretary of Energy has advised me that recent legislation has mandated a change in the treatment accorded residual fuel oil imports under the Emergency Petroleum Allocation Act of 1973, (Section 307 of Public Law 95–465). The congressional intent clearly contemplated simultaneous Presidential action to reduce import fees on residual fuel oil. Therefore, the Secretary recommended that I grant additional fee-exempt licenses under Proclamation No. 3279, as amended.

92 Stat. 1302.

19 USC 1862 note.

The Secretary also recommended changes in the distribution system for the allocation of fee exempt licenses for imports of residual fuel oil, and changes in the extent to which refunds of license fees may be made for the payment of duties on petroleum and petroleum products.

These changes are consistent with the purposes of Proclamation No. 3279, as amended.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), do hereby proclaim that:

SECTION 1. Section 3(a)(1)(iii) of Proclamation No. 3279, as amended, is further amended by adding thereto the following:

"*Provided*, that where the applicable duty on a barrel of crude oil, unfinished oil, or finished product entered on or after Sunday, December 17, 1978, exceeds the amount of the fee paid with respect to that barrel, the reduction shall not exceed the amount of the fee nor may any excess duty be used to reduce the fee on any other barrel.".

SEC. 2. Section 4(b)(5) of Proclamation No. 3279, as amended, is further amended by deleting everything after the second sentence.

SEC. 3. Section 4(b) of Proclamation No. 3279, as amended, is further amended by adding thereto a new paragraph (6) as follows:

"(6) With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, the Secretary shall provide until June 30, 1979, for the fair and equitable distribution of such allocation among all persons desiring to import residual fuel oil into District I. For the period beginning July 1, 1979, the Secretary shall provide that the distribution of such allocation shall be based upon a person's actual average calendar day imports in the six calendar months preceding May 1, 1979.".

SEC. 4. Section 8 of Proclamation No. 3279, as amended, is further amended by adding at the end thereof the following unnumbered clause:

"For the period from November 1, 1978 through June 30, 1979, the allocation of residual fuel oil to be used as fuel in District I shall not be subject to the reductions set forth in this Section."

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of December, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4630 **December 15, 1978**

Reduction of Rates of Duty on Certain Papermaking Machinery

By the President of the United States of America

A Proclamation

Under the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (GATT), the United States agreed to staged reductions in duty rates on machines for making cellulosic pulp, paper, or paperboard, and parts thereof provided for in items 668.00 and 668.06 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). 19 UST 1.

On December 16, 1967, the President modified (in Proclamation No. 3822) the TSUS in order to carry out the Geneva Protocol including staged reductions of column 1 duty rates to 3.5 percent ad valorem on machines for making cellulosic pulp, paper, or paperboard, and parts thereof.

The Republic of Finland has benefitted from those tariff reductions. As a result of a March 13, 1978 ruling by the United States Customs Service the benefits contemplated to accrue to the Republic of Finland from these tariff reductions were substantially reduced.

The restoration of the contemplated benefits of these tariff reductions to the Republic of Finland would promote the foreign trade of the United States and the Republic of Finland. Pursuant to Section 101(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)), I have determined that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more purposes of the Trade Act would be promoted by entering into a trade agreement with the Republic of Finland and restoring those contemplated benefits.

Having complied with the provisions of the Trade Act, including Sections 131(a), 132, and 133, I have, through my duly empowered representative, on July 21, 1978, entered into a trade agreement with the Republic of Finland entitled "Agreement Supplementary to the General Agreement on Tariffs and Trade" which restores the tariff concessions on certain papermaking machinery and parts thereof affected by the March 13, 1978 United States Customs Service ruling, and which provides that such new concessions shall be applied as if they were included in part I of Schedule XX to the GATT, with the understanding that as soon as practicable these new concessions will be specifically included in Schedule XX. 19 USC 2151, 2152, 2153. 61 Stat. A1157.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and the statutes of the United States of America, including Sections 101 and 604 of the Trade Act of 1974 (19 U.S.C. 2111 and 2483), and Article II, paragraph 5, of the GATT (61 Stat. (pt. 5) A16) do hereby proclaim:

(1) The TSUS are modified as provided in the Annex to this Proclamation.

(2) Part I of Schedule XX to the GATT is modified to conform with the modifications of the TSUS set forth in the Annex to this Proclamation. 19 USC 1202.

(3) The modifications made by this Proclamation shall be effective as to articles entered, or withdrawn, from warehouse, for consumption on or after March 13, 1978, and as to which the liquidations of the entries or withdrawals have not become final and conclusive under Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

ANNEX

MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES (TSUS)

NOTES:

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the TSUS. The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

1. Items 660.94 and 660.95 are superseded by:

	[Pumps for liquids...:]		
660.96	Stock pumps, and parts thereof, imported for use with machines for making cellulosic pulp, paper, or paperboard	3.5% ad val.	35% ad val.
660.97	Other	5% ad val.	35% ad val.
660.98	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	Free."	

2. Item 661.55 is superseded by:

	[Calendering and similar rolling machines...:]		
	"Other:		
661.54	Calendering and similar rolling machines, and parts thereof, for machines for making cellulosic pulp, paper, or paperboard	3.5% ad val.	35% ad val.
661.56	Other	5% ad val.	35% ad val."

3. Item 631.70 is superseded by:

	[Industrial machinery...:]		
	"Other:		
661.67	Machinery for making cellulosic pulp, paper, or paperboard, and parts thereof	3.5% ad val.	35% ad val.
661.68	Other	6% ad val.	35% ad val."

4. Item 680.45 is superseded by:

	[Gearboxes...:]		
	[Gearboxes...:]		
	"Fixed ratio speed changers, multiple and variable ratio speed changers each ratio of which is selected by manual manipulation, and parts thereof:		
680.43	Imported for use with machines for making cellulose pulp, paper, or paperboard	3.5% ad val.	27.5% ad val.
680.44	Other	4.5% ad val.	27.5% ad val."

Proclamation 4631 • **December 28, 1978**

Import Fees on Sugars and Sirups

By the President of the United States of America

A Proclamation

By Proclamation No. 4547 of January 20, 1978, I imposed, on an emergency basis, import fees on certain sugars and sirups. These fees were to be effective pending my further action after receipt of the report of findings and recommendations of the United States International Trade Commission after its conduct of an investigation with respect to this matter pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624). The Commission has made its investigation and reported its findings and recommendations to me. 19 USC 1202.

On the basis of the information submitted to me, I find and declare that:

(a) Sugars, described below by use and physical description, are being imported, or are practically certain to be imported, into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar cane and sugar beets, or reduce substantially the amount of any product processed in the United States from domestic sugar beets or sugar cane;

(b) The imposition of the import fees hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such sugars will not render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar beets and sugar cane, or reduce substantially the amount of products processed in the United States from such domestic sugar beets or sugar cane.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows: 7 USC 624. 19 USC 1202.

1. Headnote 4 is continued in effect and amended by changing the heading to read "4. Sugars and sirups.—" and by adding paragraph (c) which reads as follows:

(c)(i) The quarterly adjusted fee provided for in items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

(ii) The quarterly adjusted fee provided for in item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the first 20 consecutive market days preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported by the International Sugar Organization), expressed in the United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding applicable duty and attributed costs of 0.90 cents per pound for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound: *Provided*, That whenever the average of such daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis as provided herein, plus the fee then in effect (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent, or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent: *Provided further*, That the fee may not be greater than 50 per centum of the average of such daily spot price quotations for raw sugar.

(iii) The Secretary of Agriculture shall determine the amount of the quarterly fees in accordance with (i) and (ii) hereof and announce such fees not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary shall certify the amount of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. The Secretary of Agriculture shall determine and announce any adjustments in the fees made within a calendar quarter in accordance with the first proviso of (ii) hereof, shall certify such adjusted fees to the Secretary of the Treasury, and shall file notice thereof with the Federal Register within 3 market days of the fulfillment of that proviso.

(iv) No adjustment shall be made in any fee in accordance with the first proviso of (ii) during the last ten market days of a calendar quarter.

(v) Any adjustment made in a fee during a quarter in accordance with the first proviso of (ii) hereof shall be applicable only with respect to sugar entered or withdrawn from warehouse for consumption after 12:01 a.m. (local time at point of entry) on the day following the filing of notice thereof with the Federal Register: *Provided*, That such adjusted fee shall not apply to sugar exported (as defined in section 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before such time.

2. Items 956.05, 956.15 and 957.15 are continued in effect and amended to read as follows:

Item	*Articles*	*Rates of Duty (Section 22 Fees)*
	Sugars and sirups derived from sugar cane or sugar beets, except those entered pursuant to a license issued by the Secretary of Agriculture in accordance with headnote 4(a):	
	Principally of crystalline structure or in dry amorphous form, provided for in item 155.20, part 10A, schedule 1:	
956.05	Not to be further refined or improved in quality..............	3.22¢ per lb., adjusted quarterly beginning January 1, 1979, in accordance with headnote 4(c), but not in excess of 50% ad val.
956.15	To be further refined or improved in quality.....................	2.70¢ per lb., adjusted quarterly beginning January 1, 1979, in accordance with headnote 4(c), but not in excess of 50% ad val.
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids, provided for in item 155.30, part 10A, schedule 1..	3.22¢ per lb., of total sugars, adjusted quarterly beginning January 1, 1979, in accordance with headnote 4(c), but not in excess of 50% ad val.

19 USC 1202.

3. The provision of paragraph (c)(iii) of Headnote 4 of Part 3 of the Appendix to the TSUS, as added herein, requiring the determination and announcement by the Secretary of Agriculture not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable, shall not apply to the fees to become effective January 1, 1979.

This proclamation shall be effective as of 12:01 a.m. (Eastern Standard Time) on the day following its signing.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4632 of January 4, 1979

Temporary Duty Increase on the Importation Into the United States of Certain Bolts, Nuts and Screws of Iron or Steel

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission, hereinafter referred to as the USITC, on November 3, 1978, reported to the President (USITC Report 201–37) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that certain bolts, nuts and screws of iron or steel provided for in items 646.49, 646.54, 646.56, and 646.63 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles. The USITC recommended the imposition of additional duties on imports of the above specified articles.

19 USC 1202.

2. On December 22, 1978, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to prevent or remedy the injury or threat thereof found to exist by the USITC through the proclamation of a temporary duty increase different from that recommended by the USITC. On December 22, 1978, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a temporary duty increase and stating the reasons why my decision differed from the action recommended by the USITC.

3. The bolts and nuts provided for in items 646.54 and 646.56 of the TSUS are currently eligible for duty-free treatment under the Generalized System of Preferences (GSP), and section 503(c)(2) of the Trade Act (19 U.S.C. 2463(c)(2)) provides that no article shall be eligible for purposes of the GSP for any period during which such article is the subject of any action proclaimed pursuant to section 203 of the Trade Act (19 U.S.C. 2253).

4. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

5. Pursuant to sections 203(a)(1), 203(e)(1), and 503(c)(2) of the Trade Act (19 U.S.C. 2253(a)(1), 2253(e)(1), and 2463(c)(2)), I am providing import relief, as ereinafter proclaimed, through the temporary increase of import duty on, nd, where applicable, the removal from eligibility for duty-free entry under he GSP, of the bolts, nuts and screws of iron or steel covered by the afirmative finding of the USITC.

OW, THEREFORE, I, JIMMY CARTER, President of the United States of merica, acting under the authority vested in me by the Constitution and e statutes of the United States, including General Headnote 4 of the TSUS 9 U.S.C. 1202), sections 203, 503 and 604 of the Trade Act (19 U.S.C. 2253, 63, and 2483), and in accordance with Articles I and XIX of the General greement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A12 and 61 Stat. t. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

) Part I of Schedule XX to the GATT is modified to conform to the action ken in the Annex to this proclamation.

19 USC 1202. (2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(3) GSP eligibility is removed for the bolts and nuts covered by items 923.51 and 923.52 of the Annex to this proclamation.

(4) This proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after January 6, 1979, and before the close of January 5, 1982, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of January, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by adding the following new headnote 4:

"4. *United States International Trade Commission (USITC) surveys on certain bolts, nuts and screws of iron or steel.*—The USITC shall conduct surveys with respect to products of the types subject to temporary duty increases under items 923.50 to 923.53, inclusive, as follows:

(a) *Quarterly.*—Surveys by calendar quarter to obtain monthly data on U.S. production, U.S. producers' shipments, imports for consumption, U.S. exports, apparent U.S. consumption, employment, man-hours and prices. The initial survey shall cover the third and fourth quarters of 1978 and the first quarter of 1979; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import relief. The results of these surveys shall be published within 60 days of the end of the quarter.

(b) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, unfilled orders, and inventories, and annual data on capital expenditures and capacity; and to obtain from importers data by calendar quarter on prices, unfilled orders and inventories. The initial survey shall cover calendar year 1978, and the results of this and subsequent surveys shall be published by the end of the first quarter of each year thereafter so long as the import relief is in effect."

(b) by inserting in numerical sequence the following new provisions:

"Item	Articles	Rates of duty		Effective Period
		1	2	
923.50	Lag screws or bolts, of iron or steel, provided for in item 646.49	15% ad val.	No change.	On or before 1/5/82
923.51	Bolts (except mine-roof bolts) and such bolts and their nuts imported in the same shipment, of iron or steel, provided for in item 646.54	0.2¢ per lb. + 15% ad val.	0.2¢ per lb. + 15% ad val.	On or before 1/5/82
923.52	Nuts, of iron or steel, provided for in item 646.56	0.1¢ per lb. + 15% ad val.	0.1¢ per lb. + 15% ad val.	On or before 1/5/82
923.53	Screws, of iron or steel, having shanks or threads over 0.24 inch in diameter, provided for in item 646.63	15% ad val.	No change.	On or before 1/5/82"

Proclamation 4633 of January 10, 1979

American Heart Month, 1979

By the President of the United States of America

A Proclamation

More than 40 million Americans suffer from some form of heart or blood vessel disease. During 1979, these diseases and their complications will claim more than 960,000 lives and partially or completely disable several million other Americans. The total economic cost in disability payments, medical expenses and lost wages and productivity will exceed $50 billion.

The picture would be darker had not the Nation launched a concerted effort against cardiovascular diseases more than thirty years ago. Since 1948, this effort has resulted in greatly increased support for cardiovascular research; for training thousands of new research workers and clinicians; for health education and information programs; and for community service programs concerned with preventing, diagnosing, and relieving cardiovascular disorders. Over this period, we have learned more about the cardiovascular system and its diseases than during all previous medical history. The application of this knowledge has enabled us to decrease the mortality rate for all cardiovascular diseases combined by 30 percent.

Our successes in combatting cardiovascular diseases have accelerated since 1968. I am particularly gratified that the mortality rate of the two major killers among this family of diseases—coronary heart disease and stroke—has decreased nearly 20 and 25 percent respectively.

If present trends continue during 1979, there will be at least 170,000 fewer deaths from cardiovascular disease in the U.S. than if the mortality rates of ten years ago still prevailed.

Two organizations have been in the forefront of the national effort against the cardiovascular diseases: the National Heart, Lung and Blood Institute—a Federal agency—and the American Heart Association, supported by private contributions. But it has been a cooperative effort involving a great many agencies and groups—Federal and private, national and local. Our continued success must rest, as always, on the support and participation of the American people.

Recognizing the need for all Americans to help in the battle against cardiovascular disease, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 843; 26 U.S.C. 169b) has requested the President to issue annually a proclamation designating February as American Heart Month.

36 USC 169b.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of February, 1979, as American Heart Month. I invite the Governors of the States, the appropriate officials of all other areas subject to the jurisdiction of the United States and the American people to join with me in reaffirming our commitment to the search for new ways to prevent, detect and control cardiovascular disease in all its forms.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of January, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4634 of January 26, 1979

Implementation of Orderly Marketing Agreements—and the Temporary Quantitative Limitation on the Importation Into the United States of Color Television Receivers and Certain Subassemblies Thereof

By the President of the United States of America

A Proclamation

1. On March 22, 1977, the United States International Trade Commission (USITC) reported to the President (USITC Publication 808) the results of its investigation under section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)) (the Trade Act). The USITC determined that color television receivers assembled or not assembled, finished or not finished, provided for in item 685.20 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles. By an evenly divided vote, three USITC Commissioners determined serious injury to exist in the monochrome television receiver industry and three Commissioners made no determination of injury with respect to the monochrome receiver industry. The Commissioners also had an evenly divided determination on the question of injury to that portion of the industry producing subassemblies of color television receivers, also provided for in item 685.20 of the TSUS. 19 USC 1202.

2. On June 24, 1977, in order to remedy the serious injury found to exist by the USITC, I proclaimed (Presidential Proclamation 4511) that the Government of the United States of America and the Government of Japan had entered into an orderly marketing agreement on May 20, 1977, pursuant to section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)) limiting the export from Japan to the United States of color television receivers and certain subassemblies thereof, for a period of three years beginning July 1, 1977, to 1.75 million units in each annual restraint period. 91 Stat. 1749.

3. In Proclamation 4511 I delegated my authority under section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)) to determine that any agreement negotiated pursuant to section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4) is no longer effective to the Special Representative for Trade Negotiations (hereinafter referred to as the "Special Representative").

4. Pursuant to the authority delegated to the Special Representative in paragraphs 2 and 4 of Proclamation 4511, and after consultation with representatives of member agencies of the Trade Policy Staff Committee, the Special Representative has determined that imports of color television receivers and certain subassemblies thereof from Taiwan and the Republic of Korea have increased in such quantities so as to disrupt the effectiveness of the orderly marketing agreement with Japan with respect to such products and

that for the purposes of section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)) the orderly marketing agreement with Japan does not continue to be effective. I concur with that determination.

5. Pursuant to the authority vested in the President by the Constitution and the statutes of the United States, including section 203(a)(5) and 203(e)(3) of the Trade Act (19 U.S.C. 2253(a)(5) and 2253(e)(3)), and in order to restore the effectiveness of the orderly marketing agreement with Japan, and to remedy the serious injury to the domestic industry producing color television receivers and certain subassemblies thereof found to exist by the USITC, orderly marketing agreements were concluded on December 14, 1978, and December 29, 1978, between the Government of the United States of America and the Government of the Republic of Korea and Taiwan respectively. The orderly marketing agreements limit the export from the Republic of Korea and Taiwan to the United States of color television receivers and certain subassemblies thereof, for the period February 1, 1979, through June 30, 1980, and set forth conditions under which limitations will be placed on the importation into the United States of such articles by the Government of the United States through quantitative restrictions. These restrictions are to be implemented under the authority of sections 203(a)(5), (e)(3), and (g)(2) of the Trade Act (19 U.S.C. 2253(a)(5), (e)(3), and (g)(2)).

6. In accordance with section 203(d)(2) of the Trade Act (19 U.S.C. 2253(d)(2)), I have determined that the level of import relief hereinafter proclaimed permits the importation into the United States of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States, from the Republic of Korea and from Taiwan, in the 1972–75 period, which I have determined to be the most recent representative period for imports of such articles.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States, including sections 203 and 604 of the Trade Act (19 U.S.C. 2253 and 2483), and section 301 of Title 3 of the United States Code, do hereby proclaim:

(1) Orderly marketing agreements were entered into on December 14, 1978, and December 29, 1978, between the Government of the United States of America and the Government of the Republic of Korea and Taiwan, respectively, with respect to trade in color television receivers and certain subassemblies thereof, effective February 1, 1979. The orderly marketing agreements are to be implemented according to their terms and by quantitative restrictions as directed in this proclamation, including the Annex thereto.

(2) Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified as set forth in the Annex to this proclamation.

(3) The President's authority under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)) to negotiate orderly marketing agreements with other foreign suppliers of articles subject to this proclamation after any import relief proclaimed pursuant to section 203(a)(1), (2), (3) or (5) of the Trade Act (19 U.S.C. 2253(a)(1), (2), (3) or (5)) takes effect, is hereby delegated to the Special Representative. The President's authority under section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)) to determine that any agreement negotiated pursuant to section 203(a)(4) or (5) or 203(e)(2) of the Trade Act (19 U.S.C. 2253(a)(4) or (5) or 2253(e)(2)) is no longer effective is hereby delegated to the Special Representative, to be exercised in conformity with paragraph (5) below. In the event of such a determination, the Special Representative shall prepare any proclamations that may be appropriate to implement import relief authorized by section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)).

(4) The President's authority in section 203(g)(1) and (2) of the Trade Act (19 U.S.C. 2253(g)(1) and (2)) to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by the orderly marketing agreements and to issue rules and regulations governing entry, or withdrawal from warehouse, for consumption of like articles which are the product of countries not parties to such agreements, has been delegated to the Secretary of the Treasury pursuant to section 5(b) of Executive Order No. 11846. Such authority shall be exercised by the Secretary of the Treasury, upon direction by the Special Representative, on consultation with representatives of the member agencies of the Trade Policy Staff Committee.

19 USC 2111 note.

(5) In exercising the authority delegated in paragraphs (3) and (4) above, the Special Representative shall, in addition to other necessary actions, institute the following actions.

(a) Statistics on imports from the Republic of Korea and Taiwan and from other sources of articles covered by the agreements shall be collected on a monthly basis. Should the effectiveness of the orderly marketing agreements be disrupted, the Special Representative, after consultation with representatives of member agencies of the Trade Policy Staff Committee, may make a determination that for the purposes of section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)) the orderly marketing agreements do not continue to be effective.

(b) Beginning on February 1, 1979, if during any restraint period the quantity of imports of the articles covered by the agreements, from countries other than Taiwan and the Republic of Korea, appear likely to disrupt the effectiveness of the provisions of the orderly marketing agreements described in paragraph (1) above, the Special Representative may initiate consultations with those countries responsible for such disruptions and may prevent further entry of such articles for the remainder of that restraint period or may otherwise moderate or restrict imports of such articles from such countries pursuant to section 203(g)(2) of the Trade Act (19 U.S.C. 2253(g)(2)). Before exercising this authority, the Special Representative shall consult with representatives of the member agencies of the Trade Policy Staff Committee.

(c) Should the Special Representative determine, pursuant to this proclamation, to institute import restrictions on articles entered, or withdrawn from warehouse, for consumption from countries other than Taiwan or the Republic of Korea pursuant to this proclamation, such action shall be effective not less than eight days after such determination and any necessary changes in the TSUS have been published in the **Federal Register**.

19 USC 1202.

(6) The Special Representative shall take such actions and perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment or termination of the agreements described in paragraph (1) of this proclamation, and any actions and functions necessary to implement paragraphs (3), (4) and (5) of this proclamation. In carrying out his responsibilities under this paragraph the Special Representative is authorized to delegate to appropriate officials or agencies of the United States authority to perform any functions necessary for the administration and implementation of the agreements or actions. The Special Representative is authorized to make any changes in Part 2 of the Appendix to the TSUS which may be necessary to carry out the agreements or actions. Any such changes in the agreements shall be effective on and after their publication in the **Federal Register**.

19 USC 1202.

(7) The Commissioner of Customs shall take such actions as the Special Representative shall determine are necessary to carry out the agreements described in paragraph (1) of this proclamation and to implement any import relief pursuant to paragraphs (3), (4) and (5) of this proclamation, or any modification thereof, with respect to the entry or withdrawal from

warehouse, for consumption into the United States of products covered by such agreements or by such other import relief.

(8) This proclamation shall be effective as of February 1, 1979, and shall continue in force through June 30, 1980, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of January, in the year of our Lord, nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by adding the following headnote:

"5. *Quantitative limitation on color television receivers and certain subassemblies thereof.*—The provisions of this headnote apply to items 923.74 through 923.83, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 6, part 5. The import restrictions provided for in this subpart do not apply to a single color television receiver or subassembly thereof, if imported for the personal use of the importer.

(a) *Definition.*—For the purposes of this subpart—

(i) each subassembly that contains as a component, or is covered in the same entry with, one or more of the following television components, viz., tuner, channel selector assembly, antenna, deflection yoke, degaussing coil, picture tube mounting bracket, grounding assembly, parts necessary for fixing the picture tube or tuner in place, consumer operated controls, or speaker, shall be classified in items 923.78 through 923.83, inclusive;

(ii) for the purposes of items 923.78 through 923.83, inclusive, each subassembly shall be counted as a single unit, except that two or more different printed circuit boards or ceramic substrates covered by the same entry and designed for assembly into the same television models shall be counted as one unit;

(iii) the term *"restraint period"* refers to the time periods set forth in items 923.74 through 923.83, inclusive; and

(iv) the term *"exported"* refers to the actual date the merchandise finally leaves the country of exportation for the United States as provided for in section 152.1(c) of the U.S. Customs regulations (19 CFR 152.1(c)).

(b) *Export visa.*—None of the color television receivers and subassemblies thereof provided for herein exported on or after February 1, 1979, from the foreign countries involved may be entered unless such color television receivers and subassemblies are accompanied by an appropriate export visa issued by the government of the exporting country.

(c) *Color television receivers and certain subassemblies thereof exported prior to February 1, 1979.*—All color television receivers and subassemblies thereof provided for in items 923.74 through 923.83, inclusive, which were exported from the foreign country involved prior to February 1, 1979, may be entered prior to April 1, 1979, without the requirement of export visas. No such color television receivers and subassemblies may be entered on or after April 1, 1979, unless accompanied by an appropriate export visa issued by the exporting country and such products shall be counted against the applicable restraint levels.

(d) *Color television receivers and certain subassemblies thereof exported and entered in different restraint periods.*—Color television receivers and subassemblies thereof provided for in items 923.74 through 923.83, inclusive, which are exported from the foreign country involved during one restraint period, but are entered more than 90 days following the beginning of the subsequent restraint period, shall be counted against the restraint levels for that subsequent restraint period. Color television receivers and subassemblies thereof provided for in items 923.74 through 923.83, inclusive, which are exported from the foreign country involved during one restraint period in excess of the restraint level for such period, may be entered after the beginning of the next restraint period and shall be counted against the restraint level for such item for such subsequent restraint period.

(e) *Carryover.*—If the restraint level for any item has not been filled for a restraint period, upon appropriate request of the foreign government involved, the shortfall may be entered under the same item during the following restraint period provided that the amount of shortfall so entered does not exceed 11 percent of the restraint level for the restraint period during which the shortfall occurred for products of Taiwan and 10 percent for products of the Republic of Korea.

(f) *Exceeding restraint levels.*—Upon appropriate request of the Government of the Republic of Korea, the restraint level for item 923.81 may be exceed by not more than 10 percent. If the restraint level is exceeded the Special Representative for Trade Negotiations shall make a downward adjustment of the restraint level for item 923.83 in the absolute amount the restraint level for item 923.81 was exceeded.

(g) *Adjustments.*—The quota quantity applicable to item 923.74 shall be adjusted by the Special Representative for Trade Negotiations depending upon the quantity of color television receivers actually exported from Taiwan and entered into the United States during the period July 1, 1978, through January 31, 1979, inclusive, as determined from U.S. Customs data. If the quantity actually exported from Taiwan and entered into the United States exceeds 366,000 units, the amount of the excess shall be deducted from the quota quantity of 127,000 units. If the quantity actually exported from Taiwan and entered into the United States is less than 366,000 units, the amount of the deficiency shall be added to the quota quantity of 127,000 units. The quota quantity applicable to item 923.81 shall be adjusted by the Special Representative for Trade Negotiations depending upon the quantity of color television receivers actually exported from the Republic of Korea and entered into the United States during the period December 1, 1978, through January 31, 1979, inclusive, as determined from U.S. Customs data. If the quantity actually exported from the Republic of Korea and entered into the United States exceeds 122,000 units, the amount of the excess shall be deducted from the quota quantity of 153,000 units. The above adjustments are to be effective on and after the date of their publication in the **Federal Register**.

(b) by inserting in numerical sequence the following new provisions:

"Item	Articles	Quota Quantity (in units)
	Whenever the respective aggregate quantity of color television receivers and subassemblies thereof specified below for items 923.74 through 923.83, inclusive, the product of a specified foreign country, has been exported in any restraint period from that country and has been entered, no article in such item the product of such country exported during such restraint period may be entered, except as provided in headnote 5:	
	Taiwan:	
	Color television receivers, having a picture tube, provided for in item 685.20:	
923.74	If exported during the period from February 1, 1979, through June 30, 1979, inclusive	127,000
923.76	If exported during the period from July 1, 1979, through June 30, 1980, inclusive	373,000
	Printed circuit boards and ceramic substrates with components assembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies; all the foregoing not having a picture tube, and entered with components enumerated in headnote 5(a)(1) and with all or part of a chassis frame, provided for in item 656.20:	
923.78	If exported during the period from February 1, 1979, through June 30, 1979, inclusive	270,000
923.79	If exported during the period from July 1, 1979, through June 30, 1980, inclusive	646,000
	Republic of Korea:	
	Color television receivers, having a picture tube, provided for in item 685.20; printed circuit boards and ceramic substrates with components assembled thereon for color television receivers and subassemblies containing one or more of such boards or substrates (except tuners or convergence assemblies), all the foregoing not having a picture tube, and entered with components enumerated in headnote 5(a)(i) and with all or part of a chassis frame, provided for in item 685.20:	
923.81	If exported during the period from February 1, 1979, through October 31, 1979, inclusive	153,000
923.83	If exported during the period from November 1, 1979, through June 30, 1980, inclusive	136,000."

Proclamation 4635 of January 30, 1979

National Inventors' Day, 1979

By the President of the United States of America

A Proclamation

The founding fathers in Section 8 of Article I of our Constitution provided that the Congress shall have the power to promote the progress of the useful arts by securing for a limited time to inventors the exclusive right to their discoveries.

The first Congress, pursuant to that Constitutional provision, enacted legislation providing inventors with such a right. That legislation became the first United States patent law when it was signed by President George Washington on April 10, 1790.

With the knowledge that the patent system contributes significantly to technological progress for the benefit of mankind, the United States since then has continually and actively maintained a national patent system even in times of war and rebellion.

This incentive provided inventors has prompted millions of our people to apply great effort and valuable resources, often persevering in the face of seemingly insurmountable odds, to create, perfect and bring to the marketplace many inventions which have made our labors more productive and which have contributed to our health and welfare.

The economic and technological preeminence which our Nation has known for many years and enjoys today is in large part due to the efforts of our inventors. This preeminence can be maintained by giving encouragement to their future efforts.

In honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, the 95th Congress, by House Joint Resolution 665, which I signed into law on October 14, 1978 (Public Law 95–463), designated February 11, 1979, as "National Inventors' Day."

92 Stat. 1276.

February 11, 1979, is especially significant for celebration as National Inventors' Day because it is the anniversary of the birth of Thomas Alva Edison who one hundred years ago perfected and patented the first practical incandescent lamp, an invention which as we all know dramatically changed the way of life all over the world.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon and urge the people of the United States to honor all inventors by joining me in observing February 11, 1979, National Inventors' Day, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4636 of February 1, 1979

Red Cross Month, 1979

By the President of the United States of America

A Proclamation

Since its founding in 1881, the American Red Cross has had one basic purpose: The concern for others in distress. Indicative of this concern is the fact that over five million people successfully completed Red Cross safety courses last year. Many of them received instructions in cardiopulmonary resuscitation and first aid techniques for choking. Exemplifying this concern is the Certificate of Merit, which is presented to our fellow Americans who have saved or sustained a human life with the skills learned in a Red Cross first aid, small craft or water safety training program. Since 1928, well over 6,000 persons have received this award.

The Red Cross also operates its Blood Services, which collects and processes half of the supply of blood needed by the Nation's medical facilities. Red Cross is continuously seeking new and more economical uses for blood and blood products. And there is always a need for more volunteer blood donors to meet the ever-increasing need for this lifesaving gift.

The Red Cross serves members of the armed forces, their families and veterans through financial assistance, counselling and emergency communications. Thousands of disaster victims each year receive a variety of Red Cross services, including emergency food, shelter and clothing, first aid and medical help, replacement of occupational tools and other vital services.

And Red Cross volunteers may be found each day performing compassionate, personal tasks to aid the elderly, the handicapped and the homebound. Young people develop leadership skills as they assist in Red Cross programs in their schools and communities.

Each year, March is observed as Red Cross Month. Although the American Red Cross works closely with government, there are no Federal funds appropriated for its support. The Red Cross depends upon the American people for membership and voluntary contributions to carry out the functions of its Congressional Charter.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America and Honorary Chairman of the American Red Cross, designate March 1979, as Red Cross Month. I urge all Americans to give generous support to the work of their local Red Cross chapter.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Editorial Note: The President's memorandum for the heads of executive departments and agencies, dated Feb. 1, 1979, on Red Cross Month, is printed in the Weekly Compilation of Presidential Documents (vol. 15, p. 215).

Proclamation 4637 of February 5, 1979

Save Your Vision Week, 1979

By the President of the United States of America

A Proclamation

Good eyesight, like so many of life's blessings, is too often taken for granted. Today, millions of Americans must cope with the burden of impaired vision. In many of these cases, visual loss could have been prevented had only simple precautions been taken.

Through periodic eye examinations, for example, certain potentially blinding and disabling eye conditions can often be found in time to be cured or arrested. Regular eye examinations are particularly important for children who may not realize that their vision has been impaired. For some people who have already lost vision, sight can be restored through modern eye care. Special aids and magnifiers can frequently help the partially-sighted make the most of their remaining vision.

Besides taking advantage of professional eye care services, there is much we can do on our own to help save sight. We can protect our eyes from accidents at work and during recreational activities. We can encourage the sensible use of household products, appliances, and cosmetics and avoid abuse of drugs and alcohol. And we can be alert to the signs of eye problems among family and friends. With proper care and attention, more than half of the serious vision problems that affect both young and old can be prevented.

To focus the attention of all Americans on the importance of good vision, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate the week beginning March 4, 1979, as Save Your Vision Week. I urge all Americans to observe this period by considering what they can do to take care of their eyes and protect them from disease and injury. I invite vision care professionals, the communications media, educators, and all public and private organizations which support sight conservation to participate in activities which will teach Americans about eye care and encourage them to preserve or make the most of their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4638 of February 8, 1979

National Poison Prevention Week, 1979

By the President of the United States of America

A Proclamation

Since the first Poison Prevention Week was observed in 1962, we have seen a 75 percent drop in childhood accidental fatal poisonings, according to the latest figures from the National Center for Health Statistics.

Ingestions by youngsters of household products sold in safety packaging were down as well. But, because not all substances can be packaged safely, it is up to everyone responsible for child care to guard against these dangers in the way we store, handle, and dispose of potentially hazardous household products.

Accordingly, by joint resolution of September 26, 1961 (75 Stat. 681, 36 U.S.C. 165), Congress has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate the week beginning March 18, 1979, as National Poison Prevention Week. It is particularly important during this International Year of the Child that we become aware of this specific need for child protection.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4639 of February 9, 1979

National Defense Transportation Day and National Transportation Week, 1979

By the President of the United States of America

A Proclamation

Transportation is a vital force in our society. It moves the Nation's goods, delivers the products of our farms and factories, and enables us to live and work where we choose and travel where we please. Transportation enriches our economy and strengthens our defense.

Because of transportation's importance, and to encourage greater safety and efficiency in the ways we develop and use it, Congress has requested the President to proclaim annually the third Friday in May as National Defense Transportation Day, and the week in which that day falls as National Transportation Week (71 Stat. 30, 36 U.S.C. 160; 76 Stat. 69, 36 U.S.C. 166).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate Friday, May 18, 1979, as National Defense Transportation Day, and the week beginning May 13, 1979, as National Transportation Week.

I urge the Governors of our States and other appropriate officials, organizations concerned with transportation, and the people of the United States to join with the Department of Transportation in observing this day and week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4640 of February 23, 1979

Temporary Quantitative Limitation on the Importation Into the United States of Certain Clothespins

By the President of the United States

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission (USITC) on December 12, 1978, reported to the President (USITC Report 201-36) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that clothespins provided for in items 790.05, 790.07, and 790.08 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles. In order to remedy the serious injury to the domestic industry that it has found to exist, the USITC recommended the imposition of a 5-year quota on U.S. imports of wood and plastic spring-type clothespins with a dutiable value not over $2.10 per gross provided for under TSUS item 790.05.

2. On February 8, 1979, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the injury found to exist by the USITC through the proclamation of a 3-year quota on U.S. imports of wood and plastic spring-type clothespins with a dutiable value not over $1.70 per gross provided for under TSUS item 790.05. On February 8, 1979, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a quota and stating the reasons why my decision differed from the action recommended by the USITC.

19 USC 1202.

3. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

4. Pursuant to sections 203(a)(3) and 203(e)(1) of the Trade Act (19 U.S.C. 2253(a)(3) and 2253(e)(1)), I am providing import relief through the temporary imposition of a quota on U.S. imports of wood and plastic spring-type clothespins with a dutiable value not over $1.70 per gross provided for under TSUS item 790.05. 19 USC 1202.

5. In accordance with section 203(d)(2) of the Trade Act (19 U.S.C. 2253(d)(2)), I have determined that the level of import relief hereinafter proclaimed pursuant to section 203(a)(3) of the Trade Act (19 U.S.C. 2253(a)(3)), permits the importation into the United States of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States in the 73/78 period, which I have determined to be the most recent representative period for imports of such articles.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 203 and 604 of the Trade Act (19 U.S.C. 2253 and 2483), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Part 1 of Schedule XX to the GATT is modified to conform with the actions taken in the Annex to this proclamation.

19 USC 1202. (2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(3) This proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after February 23, 1979, and before the close of February 22, 1982, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of February, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred-third.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by adding the following new headnote:

"6. *Quantitative limitations on certain clothespins.*—The provisions of this headnote apply to items 925.11, 925.12 and 925.13 of this subpart.

(a) *Definitions.*—For the purposes of this headnote—

(i) The term *"restraint period"* refers to the 3-month periods provided for in the Quota Quantity column for items 925.11, 925.12 and 925.13;

(ii) The term *"quota year"* refers to a 12-month period beginning February 23 in one year and ending at the close of February 22 of the following year.

(b) *Carryover.*—Whenever the quota quantity specified for an item has not been entered during any restraint period, the shortfall may be entered in the same item during the following restraint period in any quota year and not be counted against the quota quantity therefor.

(c) *Shortfall.*—Whenever the Special Trade Representative determines that the full quota quantity for item 925.11, 925.12, or 925.13, respectively, will not be used during a quota year, the Special Trade Representative may modify the quota quantities for that item during the remainder of that quota year to reallocate the shortfall to the other items; such modifications to be effective on the date of their publication in the **Federal Register**."; and

(b) by inserting in numerical sequence the following new provisions:

"Item	Articles	Quota Quantity (in gross)			
		Entered during the restraint period—			
		Feb. 23, through May 22	May 23, through Aug. 22	Aug. 23, through Nov. 22	Nov. 23, through Feb. 22
	Whenever the respective aggregate quantity of clothespins specified below for items 925.11, 925.12 and 925.13, has been entered in any restraint period, no article in such item may be entered during the remainder of such restraint period, except as provided for in headnote 6:				
	Clothespins, spring type, of wood or plastics, valued not over $1.70 per gross, provided for in item 790.05, entered on or after February 23, 1979, and before the close of February 22, 1982:				
925.11	Valued not over 80 cents per gross	125,000	125,000	125,000	125,000
925.12	Valued over 80 cents but not over $1.35 per gross	150,000	150,000	150,000	150,000
925.13	Valued over $1.35 but not over $1.70 per gross	225,000	225,000	225,000	225,000"

Proclamation 4641 of February 23, 1979

Small Business Week, 1979

By the President of the United States of America

A Proclamation

Small business has been the economic backbone of American life since the earliest colonial days. Traders, craftsmen and merchants spurred the economy and played a vital role in the Nation's westward movement and growth. They helped create the multitude of opportunities which have become the hallmark of our free enterprise system—a system which has made American progress the envy of the world.

There are 13.9 million businesses in the United States today, and 13.4 million are small, including nearly three million farms. Together, they provide employment for over half the business labor force and account for more than 48 percent of the gross business product. They are an important source of the major innovations that create new markets and improve our quality of life. America's prestige in the world today could never have been achieved without this outstanding productivity by small business.

Meetings are currently being held in every State of the Union in preparation for the first White House Conference on Small Business which I have called for in January of 1980. This year, every small business man and woman and indeed, every American, should be giving serious thought to how we may best secure and expand the small business sector of our economy in the years ahead.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning May 13, 1979, as Small Business Week, and I call on every American to join me in this very special tribute.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4642 of February 26, 1979

Quantitative Limitation on the Importation of Certain Meat

By the President of the United States of America

A Proclamation

The Act of August 22, 1964 (78 Stat. 594; 19 U.S.C. 1202 note), provides for the limitation of certain meat imports if import estimates exceed 110 percent of an adjusted base quantity for that year. The limitation applies to fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats and sheep, except lamb.

The Secretary of Agriculture has determined in accordance with Section 2(b) (1) of the Act that the adjusted base quantity of meat for the calendar year 1979 is 1131.6 million pounds. The Secretary has estimated (in the 1979 first quarterly estimate, 44 FR 1202) that the aggregate imports of meat for 1979 will be 1570.0 million pounds. This estimate exceeds 110 percent of the adjusted base quantity for 1979.

In accordance with Section 2(c) of the Act, the President must limit the import of meat to the adjusted base quantity for 1979 of 1131.6 million pounds, unless he increases or suspends that limitation pursuant to Section 2(d) of the Act.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act, do hereby proclaim as follows:

1. The total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lamb)) of part 2B, schedule 1 of the Tariff Schedules of the United States, which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1979, is limited to 1131.6 million pounds. 19 USC 1202.

2. In accordance with Section 2(d) of the Act, I determine that the supply of meat described in Paragraph 1 hereof will be inadequate to meet domestic demand at reasonable prices.

3. The limitation proclaimed in Paragraph 1 hereof is suspended during calendar year 1979, which suspension shall remain in effect unless because of changed circumstances it becomes necessary to take further action under the Act, and I hereby determine that the suspension for such period is necessary in order to carry out the purposes of Section 2(d) of the Act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-nine.

and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4643 of March 6, 1979

Cancer Control Month, 1979

By the President of the United States of America

A Proclamation

Cancer strikes more than three-quarters of a million Americans a year.

Experts no longer believe that the disease occurs spontaneously, but suspect that it is largely a response to environmental factors. If these factors can be eliminated, substantially reduced, or counteracted, then some cancers may be prevented. Therefore, the trend toward increased emphasis in cancer prevention has accelerated during the past year.

Cause and prevention is not the entire story, however. Most cancers have a lengthy latent period. Over the next 20 or more years, the disease will manifest itself in millions of people who already have been exposed to cancer-causing agents. To overcome this serious threat, we must continue to seek effective methods of early detection and treatment.

The National Cancer Program, established in 1971, is being conducted devotedly and on a massive scale by both Federal agencies and non-Federal organizations under the aegis of the National Cancer Institute. A substantial portion of the Institute's research is in such areas as cell and molecular biology, virology, immunology and tumor biology. There is also growing attention and progress in continuing care activities, such as hospices and rehabilitation programs.

Despite our aggressive attack on cancer, current statistics reveal that about 395,000 Americans will die of the disease in 1979. Only through unbending support of cancer research and control can we reverse this trend, and eventually reduce this figure to a minimum.

As a means of giving continued emphasis to the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month. 36 USC 150.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of April, 1979, as Cancer Control Month. I encourage the determination of the American people to meet the challenge of this critical health problem. And I ask the medical and health professions, the communications industries, and all other interested citizens to unite in public reaffirmation of our Nation's abiding commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4644 of March 6, 1979

Pan American Day and Pan American Week, 1979

By the President of the United States of America

A Proclamation

Each year the peoples of the Americas celebrate our common origins and continuing mutual ties. To the people of the United States Pan American Day commemorates the importance of mutual respect and cooperation which characterize the Inter-American system and its central institution, the Organization of American States.

No region of the world can boast a greater tradition of peace and tranquility among nations. No nations of the world have worked more consistently or harder to find solutions to the political and economic problems which they face in the world today. Our Organization of American States, the birth of which we will celebrate on April 14, has been and continues to be vital to this continuing effort.

In the past year alone, the Organization of American States has made important contributions to the welfare of the people of the hemisphere. It has helped to promote the cause of human rights and dignity in the Americas and to diffuse tensions in Central and South America.

The United States, on Pan American Day 1979, salutes the other nations of this hemisphere, and pledges its solidarity with them, and with the Organization of American States, in the continuing efforts to achieve the visionary democratic ideals of the founding heroes of our hemisphere. It is from these ideals that we derive our desire and our ability to cooperate for a common good and for the benefit of all our people.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Saturday, April 14, 1979 as Pan American Day and the week beginning April 15, 1979 as Pan American Week, and I call upon the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the flag of the United States to issue similar Proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4645 of March 15, 1979

National Farm Safety Week, 1979

By the President of the United States of America

A Proclamation

America is blessed with an efficient and productive agriculture. As a result, we enjoy an abundance of high-quality food products at a lower cost relative to personal income than in most other countries. This abundance permits a strong flow of food exports, contributing many billions of dollars to our trade balance and enabling us to help relieve hunger in many parts of the world.

One of the most persistent barriers to agricultural well-being has been farm accidents. Last year, there were more than a half-million farm and ranch residents who suffered disabling injuries, many of which were handicapping or fatal. The cost of those accidents approached $5 billion. The pain and personal loss to the injured and to their families and friends cannot be measured.

It has been proven that most accidents on farms and ranches can be prevented by controlling hazards, ending unsafe practices and by the use of protective equipment. The effects of many injuries can be lessened if prompt and correct actions are taken subsequent to the accidents and disasters. The time and effort invested in these activities is relatively small, compared to the losses America sustains every year through farm accidents.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week of July 25 through July 31, 1979, as National Farm Safety Week. I urge all who live and work on the Nation's farms and ranches to employ every needed safety precaution and practice, at work and in recreation, at home and on the highway. I also ask those who serve agricultural producers to support their accident-reducing efforts by providing encouragement and educational aids. We must succeed in this important task, as no Nation with concern for the well-being of its people can afford to lose such vital human and productive resources. A safer agriculture will be economically stronger and more productive, thereby benefitting us all.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4646 of March 16, 1979

Mother's Day, 1979

By the President of the United States of America

A Proclamation

For 65 years we have set aside a special day to honor all American mothers and acknowledge the important contribution of mothers to the future of their children and of our Nation.

The activities and aspirations of many American women have changed dramatically in recent years. Whether or not they combine employment outside the home with their other responsibilities, the fundamental commitment of mothers to the welfare, development and future opportunities of their children remains as strong as that of mothers in past generations.

In this time when the family is subjected to many new pressures, the job of nurturing future generations is often both more difficult and more important than ever. Our children remain our major resource, and preserving the valuable aspects of our heritage while working to build a better world for the future is the duty of all Americans.

Our Nation has made great progress in providing educational opportunities, health care and adequate nutrition for our children, but we still have much to do to make sure all our children are able to develop their full potential. In addition to these basic necessities, parents must provide the love and training that produces the critical spiritual and social values as well as the motivation and self-discipline their children will need to live fruitful lives.

Mother's Day affords us an opportunity to express our thanks to our own mothers, and to honor the devotion, dedication and service of all mothers.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, May 13, 1979, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Government buildings. I urge all citizens to display the flag in appropriate ways as a sign of their gratitude to the mothers of America, and to seek ways to aid and support the important efforts of American mothers to provide the kind of influences and resources their children need to develop into strong, honest, capable and happy adults.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4647 of March 20, 1979

Vietnam Veterans Week, 1979

By the President of the United States of America

A Proclamation

We are a peace-seeking Nation and we are at peace, but we must not forget the lessons war has taught us, nor the brave men and women who have sacrificed so much for us in all our wars.

The decade now drawing to a close began in the midst of a war that was the longest and most expensive in our history, and the most costly in human lives and suffering. Because it was a divisive and painful period for all Americans, we are tempted to want to put the Vietnam war out of our minds. But it is important that we remember—honestly, realistically, with humility.

It is important, too, that we remember those who answered their Nation's call in that war with the full measure of their valor and loyalty, that we pay full tribute at last to all Americans who served in our Armed Forces in Southeast Asia. Their courage and sacrifices in that tragic conflict were made doubly difficult by the Nation's lack of agreement as to what constituted the highest duty. Instead of glory, they were too often met with our embarrassment or ignored when they returned.

The honor of those who died there is not tarnished by our uncertainty at the moment of their sacrifice. To them we offer our respect and gratitude. To the loved ones they left behind, we offer our concern and understanding and our help to build new lives. To those who still bear the wounds, both physical and psychic, from all our wars, we acknowledge our continuing responsibility.

Of all the millions of Americans who served in Southeast Asia, the majority have successfully rejoined the mainstream of American life.

To them, and to all who served or suffered in that war, we give our solemn pledge to pursue all honorable means to establish a just and lasting peace in the world, that no future generation need suffer in this way again.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon all Americans to observe May 28 through June 3, 1979, the week of our traditional Memorial Day, as Vietnam Veterans Week. On this occasion, let us as a Nation express our sincere thanks for the service of all Vietnam era veterans.

I urge my fellow citizens and my fellow veterans, and their groups and organizations, to honor the patriotism of these veterans, and to recognize their civilian contributions to their communities in America today.

I call upon the state and local governments to join with me in proclaiming Vietnam Veterans Week, and to publicly recognize with appropriate ceremonies and activities yesterday's service and today's contributions of Vietnam era veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4648 of March 22, 1979

30th Anniversary of NATO

By the President of the United States of America

A Proclamation

34 UNTS 243. Thirty years ago in Washington on April 4, 1949 the North Atlantic Treaty was signed. From that act grew the North Atlantic Treaty Organization, or NATO, an alliance welded together by a common dedication to perpetuating democracy, individual liberty and the rule of law.

For three decades, NATO has successfully deterred war and maintained stability in Western Europe and North America, thus securing the well-being and prosperity of its fifteen member states: Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States of America.

Though collective defense against possible aggression was the most urgent requirement at its founding, NATO has always been much more than just a military pact. The spontaneous political development of the Alliance demonstrates that true security is far more than a matter of weaponry and armed battalions. In the final analysis, true security flows from the freely-given support of the people and their willingness to participate in the defense of common ideals.

Since NATO's inception, the international situation has evolved in many respects and NATO has adapted to these changes—militarily, politically and economically. Today the Alliance remains as relevant and centrally important to our security and way of life and to the independence of the United States as it was in 1949. Then as now, the firm support of Congress and the American people for NATO reflects their deep conviction that NATO is the cornerstone of United States foreign policy.

As NATO moves forward into another decade of achievement, we look toward the future with confidence, aware that continuing Allied cooperation will provide the international stability and security upon which our ideals, our civilization, and our well-being depend. As NATO begins this new chapter in its distinguished history, I am proud to rededicate the United States to the NATO objectives which have served the cause of peace so well.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby direct the attention of the Nation to this thirtieth anniversary of the signing of the North Atlantic Treaty; and I call upon the Governors of the States, and upon the officers of local governments, to facilitate the suitable observance of this notable event throughout this anniversary year with particular attention to April, the month which marks the historic signing ceremony.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4649 of March 27, 1979

Law Day, U.S.A., 1979

By the President of the United States of America

A Proclamation

The Congress of the United States has set aside the first day of May as Law Day, U.S.A.

This year will mark the Nation's twenty-second annual celebration of Law Day—a special day for reflection on our heritage of individual liberty and for rededication to the observance of the rule of law.

The rule of law is not automatic. Each citizen must accept a share of responsibility to administer and obey the law, if the rights and opportunities of all citizens are to be preserved.

Americans also have a responsibility and a constitutional right to change the law by orderly process, when such change is needed. Our forefathers gave us this birthright, so that the Nation and its people might remain free.

In the words of Thomas Jefferson, "Laws and institutions must go hand in hand with the progress of the human mind."

The theme selected in recognition of Law Day, 1979, therefore, is most appropriate: "Our Changing Rights."

In a rapidly changing world, it is vital that we preserve and strengthen our ability to respond to the needs for legitimate change while safeguarding the rights of all citizens.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, invite the American people to observe Tuesday, May 1, 1979, as Law Day, U.S.A., and to reflect upon individual and collective responsibilities for the effective administration of the law.

I call upon the legal profession, the courts, educators, clergymen, and all interested individuals and organizations to mark the twenty-second nationwide observance of Law Day, U.S.A., with programs and events which underscore our Nation's devotion to the principle of equal justice for all. To that end, I call upon all public officials to display the flag of the United States on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4650 of March 28, 1979

Asian/Pacific American Heritage Week, 1979

By the President of the United States of America

A Proclamation

America's greatness—its ideals, its system of government, its economy, its people—derives from the contribution of peoples of many origins who come to our land seeking human liberties or economic opportunity. Asian-Americans have played a significant role in the creation of a dynamic and pluralistic America, with their enormous contributions to our science, arts, industry, government and commerce.

Unfortunately, we have not always fully appreciated the talents and the contributions which Asian-Americans have brought to the United States. Until recently, our immigration and naturalization laws discriminated against them. They were also subjected to discrimination in education, housing, and employment. And during World War II our Japanese-American citizens were treated with suspicion and fear.

Yet, Asians of diverse origins—from China, Japan, Korea, the Philippines, and Southeast Asia—continued to look to America as a land of hope, opportunity, and freedom.

At last their confidence in the United States has been justified. We have succeeded in removing the barriers to full participation in American life, and we welcome the newest Asian immigrants to our shores—refugees from Indochina displaced by political, and social upheavals. Their successful integration into American society and their positive and active participation in our national life demonstrates the soundness of America's policy of continued openness to peoples from Asia and the Pacific.

92 Stat. 920. The Ninety-fifth Congress has requested the President by House Joint Resolution 1007, approved October 5, 1978, to designate the seven-day period beginning on May 4, 1979, as "Asian/Pacific American Heritage Week."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, declare the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week. I call upon the people of the United States, especially the educational community, to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4651 of March 29, 1979

Prayer for Peace
Memorial Day, May 28, 1979

By the President of the United States of America

A Proclamation

This day was originally set aside to honor the dead in a conflict that divided our Nation more than a century ago. That wound has healed.

We come now also to honor the dead of many other wars. That we must do so is a tragic reminder that the freedoms we cherish are constantly under siege. Each generation is called upon to preserve and defend our liberties anew, often with their lives. The fact that their suffering has not yet bought a permanent peace does not make their sacrifice in vain. They preserved that which we hold most dear so that we might strive again for what they sought—a just and honorable peace in which all people settle their differences without bloodshed or oppression.

Today America celebrates peace. We gratefully remember those who gave up their hopes and lives that we might enjoy the liberties they loved—on this day and through all our tomorrows—in peace. We cannot call them back to give them our thanks, nor can we raise a monument to them any more meaningful than the one they have already left us, a free and peaceful America. They have given us a gift too valuable ever to repay, save by preserving that peace, that liberty, that America.

We have seen how easily the hopes of peace are dashed. Yet we must keep faith with those who have gone before, with those throughout the world who share our dream, and with the generations yet unborn whose very existence may depend upon the success of our efforts.

We earnestly pray that all the people of the world will join us in our struggle, so that one day all the earth may share the blessings of liberty, justice and peace.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Memorial Day, Monday, May 28, 1979, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to join in suitable observances of this day.

I also call upon the appropriate officials of all levels of government to fly the flag at half-staff until noon during Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the same customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4652 of April 2, 1979

Days of Remembrance of Victims of the Holocaust April 28 and 29, 1979

By the President of the United States of America

A Proclamation

Thirty-four years ago today the United States Armed Forces liberated the Dachau concentration camp during the closing days of World War II in Europe. Words alone cannot convey the shock and horror that accompanied this tangible evidence of the Nazi regime's systematic program of genocide.

Dachau and other death-centers like Buchenwald, Auschwitz and Treblinka were the means by which the Nazi regime murdered six million Jewish people and millions of other victims in a planned program of extermination. These crimes have few if any equals in history. Their legacy left deep moral scars on all humankind. No one who participated in the liberation of these camps or who has studied their history can ever forget—least of all the quarter-of-a-million survivors who found a home and built a new life in this country after the war.

During my recent trip to Israel, I visited Yad Vashem, the Israeli memorial to the victims of the Holocaust. I vowed then, and I repeat now, that the world must never permit such events ever to occur again.

We must never forget these crimes against humanity. We must study and understand the record of the Holocaust. From this, we must learn to remain eternally vigilant against all tyranny and oppression. We must rededicate ourselves to the principle of equality and justice for all peoples, remembering the terrible fruits of bigotry and hatred.

92 Stat. 628.

A joint resolution of the Congress (H.J. Res. 1014) approved September 18, 1978, authorized and requested the President to issue a proclamation designating April 28 and 29, 1979, as "Days of Remembrance of Victims of the Holocaust."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate April 28 and April 29, 1979, as "Days of Remembrance of Victims of the Holocaust." I ask the people to the United States to observe this solemn anniversary of the liberation of Dachau with appropriate study, prayers and commemoration as a tribute to the spirit of freedom, justice and compassion which Americans fought to preserve.

On the recommendation of the President's Commission on the Holocaust, I also ask the people of the United States to note International Holocaust Commemoration Day of April 24, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4653 of April 5, 1979

National Maritime Day, 1979

By the President of the United States of America

A Proclamation

The influence and the importance of the American Merchant Marine extend well beyond our thriving ports. It affects all Americans. Our Merchant Marine carries the products of our farms and factories to consumers in our domestic trades, among our fifty States and possessions, and links the U.S. industrial and agricultural heartland with our overseas trading partners. Most of the gross tonnage carried in U.S. foreign trade is waterborne.

In addition to their vital role in commerce and trade, America's shipping and shipbuilding industries have distinguished themselves in providing logistic and combat support to our armed forces in times of war.

The men and women of our Merchant Marine can be justly proud of their contributions to our Nation's economy and national defense. In these dual roles, American seafarers have carried out their responsibilities with great dedication and ability.

In recognition of the importance of the American Merchant Marine, the Congress, by joint resolution of May 20, 1933 (48 Stat. 73, 36 U.S.C. 145), designated May 22 of each year as National Maritime Day in commemoration of the departure from Savannah, Georgia, on that date in 1819 of the SS SAVANNAH on the first transatlantic voyage by any steamship and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on May 22, 1979, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4654 of April 6, 1979

World Trade Week, 1979

By the President of the United States of America

A Proclamation

A strong position in world trade is one of the foundations of the American economy. By expanding our trade, we enlarge the opportunities for U.S. companies to prosper under our free enterprise system and for U.S. workers to find employment throughout the American industrial complex.

Trade also joins us with other nations of the world in a partnership of peace and trust that advances the well-being of people everywhere. It encourages the international exchange of ideas, knowledge and experience, and assists in developing fuller and more fruitful use of the world's resources.

We in the United States are dedicated to policies that promote freer, wider trade and that avoid the destructive consequences of protectionism. We believe our economy is best protected, and our citizens better served, when barriers to trade between nations are lowered rather than raised.

We are the world's largest trading nation. Yet compared to many of our trading partners, we export less of our rich and varied production than we should.

World Trade Week gives us the opportunity to pledge ourselves to exporting as a national priority and renew our determination to succeed in the world marketplace.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning May 20, 1979, as World Trade Week, and I request all Federal, State and local officials to cooperate in the observance of that week.

I urge business, labor, agricultural, educational, professional and civic groups, and all the people of the United States to observe World Trade Week with gatherings, discussions, exhibits, ceremonies and other appropriate activities that promote awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4655 of April 6, 1979

Imports of Petroleum and Petroleum Products

By the President of the United States of America

A Proclamation

19 USC 1862 note.

The Secretary of Energy has advised me that the continuation of shortages in international petroleum and petroleum product supplies has resulted in escalating world oil prices which impact directly on the United States economy. This situation requires that imports of crude oil and petroleum products be adjusted by temporarily suspending tariffs and the system of license fees which have been imposed since 1973 under Proclamation No. 3279, as amended. In light of the current market shortages and price conditions the continued imposition of import fees and tariffs, at least for the near term, do not serve the purposes of the Mandatory Oil Import Program and are detrimental to the economy. As a consequence, for the period that the shortages persist, continued imposition of the tariffs and import fees has become unnecessary and burdensome to the American public.

Therefore, the Secretary of Energy has recommended that I temporarily suspend imposition of the import fees and tariffs. Suspension of the fees and tariffs will serve to alleviate some of the world oil price impacts on the American consumer and should also improve access to certain refined products which are threatened to be in short supply. I agree with the changes proposed by the Secretary and they are consistent with the purposes of Proclamation No. 3279, as amended. The temporary suspension of fees and tariffs does not alter the long term purposes or benefits of the import control program established pursuant to Proclamation No. 3279, as amended. This action will adjust the imports of petroleum and petroleum product supplies so that they are not imported in such quantities or under such circumstances as to threaten to impair the national security.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), do hereby proclaim that:

Section 1. Section 3(a)(1) of Proclamation No. 3279, as amended, is further amended in subparagraphs (i) and (ii), and by the addition of a subparagraph (viii), to read as follows: 19 USC 1862 note.

"(i) with respect to imports of crude oil (other than that imported by the Department of Energy, or by another person or agency of the Federal Government acting on behalf of the Department, for the Strategic Petroleum Reserve Program) and natural gas products over and above the levels of imports established in Section 2 of the Proclamation, such fees shall be $0.00 per barrel for the period April 1, 1979 through June 30, 1979. Effective July 1, 1979 such fees shall be $0.21 per barrel unless the Secretary makes the finding prescribed in paragraph 3(a)(1)(viii) in which case the fees shall remain at the $0.00 level; 19 USC 1862 note.

"(ii) with respect to imports of motor gasoline, unfinished oils, and all other finished products (except ethane, propane, butanes, asphalt and finished products imported by the Department of Energy, or another person or agency of the Federal Government acting on behalf of the Department of Energy, for the Strategic Petroleum Reserve Program), over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.00 per barrel for the period April 1, 1979 through June 30, 1979. Effective July 1, 1979, such fees shall be $0.63 per barrel unless the Secretary makes the finding prescribed in paragraph 3(a)(1)(viii) in which case the fees shall remain at the $0.00 level;

"(viii) with respect to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(ii), the Secretary may defer the imposition of either the $0.21 or $0.63 fee for a period, not to exceed six months, with respect to any type of crude oil, unfinished oil, or finished product for which the Secretary finds that imposition of the fees would not be in accordance with the purposes of this Proclamation. Reimposition of the fees may be deferred for one additional period, not to exceed six months, upon a similar finding.".

Section 2. Section 4 of Proclamation No. 3279, as amended, is amended by the addition of subsections (d) and (e) to read as follows: 19 USC 1862 note.

"(d) Such regulations may provide for allocation periods of other than one year's duration; *provided,* that the applicable average barrel per day level of imports not subject to the payment of fees provided in Section 2 of this Proclamation is not exceeded on the average in any such period established.

"(e) Notwithstanding the levels established in Section 2 of this Proclamation, such regulations may provide for the suspension of the issuance of licenses not subject to the payment of fees with respect to any type of crude oil, unfinished oil, or finished product for any period in which a fee of $0.00, as provided in Section 3 of this Proclamation, is in effect.".

Section 3. Effective as of April 1, 1979, tariffs upon imports of petroleum and petroleum products listed in Schedule 4, Part 10—"Petroleum, natural gas and products derived therefrom," and tariffs upon imports of hydrocarbons listed in Schedule 4, Part 2—"Chemical Elements, Inorganic and Organic Compounds, and Mixtures", of the Tariff Schedules of the United

19 USC 1202.

States shall be and are suspended until July 1, 1979, at which time the tariffs shall be reimposed except with respect to any item in Schedule 4, Part 2 or Part 10, for which the Secretary of Energy finds that the reimposition of a tariff would not be in accordance with the purposes of Proclamation No.

19 USC 1862 note.

3279, as amended. Upon such a finding, the Secretary may defer imposition of the tariff for a period not to exceed six months and may defer imposition of the tariff for one additional period, not to exceed six months, upon a similar finding.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4656 of April 10, 1979

National Architectural Barrier Awareness Week, 1979

By the President of the United States of America

A Proclamation

Architectural and other barriers often keep millions of Americans from participating in and contributing to our society. These barriers come in all shapes and sizes—from a six-inch curb and inaccessible bus to an unbrailled menu and uncaptioned news broadcast.

These physical and other kinds of barriers deny daily access for millions of America's elderly and handicapped citizens to jobs, transportation, recreation and public service. Attitudes and customs contribute to this problem.

Physical access often determines whether people can enjoy their rights and freedoms and exercise their responsibilities. Most of us take such access for granted. However, many disabled and disabled elderly cannot.

42 USC 4151 note.
29 USC 792.

The first Federal legislation to eliminate barriers was the Architectural Barriers Act of 1968. To help implement that law, Congress created—within Section 502 of the Rehabilitation Act of 1973—the Architectural and Transportation Barriers Compliance Board.

The Board has worked to remove and prevent environmental barriers in this country. By doing so it helps ensure that disabled persons can enter and use facilities that their tax dollars support. And it helps inform Federal agencies that these facilities must be accessible from the time United States dollars are used to design, build, alter or lease them.

The Board has mounted a national media campaign about barriers under its slogan, "Access America." In May 1979 it will launch a series of national seminars on barriers for leaders in business, industry and education. The Board is also surveying more than 1,000 federally-owned and funded facilities in the ten federal regions to assess compliance with Federal law.

A number of agencies have already taken important steps to eliminate barriers. The Veterans Administration, for example, has surveyed all of its 172 hospitals and has earmarked $1.2 million for 86 barrier-removal projects in fiscal year 1979. The General Services Administration intends to obligate $26 million between now and 1982 to retrofit many of its properties. I will continue to support such efforts.

But many barriers that block people from opportunity and fulfillment need the attention of State and local governments and the private sector. I herewith call upon all State and local governments and the private sector to join with the Federal Government in a partnership to eliminate barriers which limit full social participation by our disabled citizens. Only by working together as a Nation can we promote and provide full access to all of our citizens.

To encourage this national commitment, the Ninety-fifth Congress adopted House Joint Resolution 578 authorizing the President to proclaim the third weeks of May of 1978 and 1979 as National Architectural Barrier Awareness Week and to call for its appropriate observance. 92 Stat. 212.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the third week of May 1979 as National Architectural Barrier Awareness Week and ask all Americans to do all that lies within their power to remove all barriers—architectural, social, and psychological. Together we can make access a reality for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4657 of April 11, 1979

Loyalty Day, 1979

By the President of the United States of America

A Proclamation

In our country, loyalty has a deep and complex meaning. It does not refer to allegiance to the tenets of an ideological doctrine nor does it convey a blind faith in a single leader or political party. A respect for our flag is part of what we mean by loyalty, but the concept goes well beyond a reverence for our national symbols.

To the citizens of our country, loyalty means a devotion and a dedication to our democratic traditions of liberty and justice. It is an acknowledgement of our responsibilities and duties as citizens to nurture and preserve those freedoms. It also conveys a respect for our fellow citizens who have fought, and sometimes died, to establish and protect our country and our ideals.

To encourage the people of the United States to reflect on our democratic heritage and institutions, the Congress, by a joint resolution approved July 18, 1958 (72 Stat. 369) has designated May 1 of every year as Loyalty Day, and has requested the President to issue a proclamation inviting the people of the United States to observe that day with appropriate observances. 36 USC 162.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon all Americans to observe Tuesday, May 1, 1979, as Loyalty Day. I also ask the appropriate officials of the Government and all citizens to display the flag of the United States on all Government buildings and other fitting places.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4658 of April 18, 1979

Older Americans Month, 1979

By the President of the United States of America

A Proclamation

The older American embodies not only a lifetime of experience and accomplishment, but also invaluable and often unrecognized resources of talent, energy and wisdom. Our country's awareness of the contributions and potential of our older people has steadily grown in recent years, as an increasing number of Americans have shown that their later years can indeed be rewarding ones for themselves and their communities.

Yet for too many of our people, the later years are often wasted and miserable because of health problems. This year's theme for the May observance of Older Americans Month is "Better Health Through Better Care."

Health is defined by the World Health Organization as a "state of complete physical, mental and social well-being, not merely the absence of disease and infirmity." Good adequate health requires more than just the treatment of sickness and injury, though providing treatment is vital. Good health care must also include proper nutrition, preventive and health maintenance services, as well as provision for long-term care.

In older persons the interrelationship between physical and mental health is especially important. Mental health services for the elderly have been sadly lacking in this country. Active and satisfying lives are both dependent upon and necessary to maintaining the health of older Americans.

The accessibility of all types of health services is critically important to the elderly, and holding down the costs of both crisis-oriented and preventive services is essential if the real needs are to be met.

As we make greater use of the abilities of older Americans, and find ways to better meet their special needs, particularly in relation to health services, all of our people will benefit.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the month of May 1979 as Older Americans Month. I ask public officials at all levels, doctors, nurses, and other health professionals, and people of all ages, to promote better health care and social services for older people, and to undertake appropriate projects both on a public and on a personal level to ensure the best possible health for older people.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4659 of April 30, 1979

Father's Day, 1979

By the President of the United States of America

A Proclamation

We live in a time of transition for the American family, but the strength and stability of a healthy, loving family life continues to remain the bedrock on which our society is organized.

The evolving roles of men and women in our society have posed new challenges and opened new opportunities, for fathers as well as mothers. To the degree that mothers are assuming a more active role in the nation's workforce, fathers are being asked to play an even greater role in the upbringing of their children. At the same time, they continue to carry out their traditional duties of helping to support their families financially, emotionally and spiritually.

Traditionally, our nation each year sets aside Father's Day as a special time to honor America's fathers.

The character of each of us has been molded and shaped in part by our own fathers. Father's Day is a time for all of us to reflect on the sacrifices our fathers have made on our behalf. It also is a time for fathers to receive that most precious gift, the love and gratitude of those they have nurtured and protected for so many years.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, June 17, 1979, be observed as Father's Day. I direct Government officials to display the flag of the United States on all Government buildings on this day and I urge all citizens to display the flag at their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord, nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4660 of May 8, 1979

Flag Day and National Flag Week, 1979

By the President of the United States of America

A Proclamation

Two years after the Battle of Bunker Hill, on June 14, 1777, the Continental Congress chose a flag which tellingly expressed the unity and resolve of Colonials who had banded together to seek independence. The delegates voted "that the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field representing a new constellation."

With the addition of thirty-seven stars, and after more than two centuries of history, the flag chosen by the Continental Congress in Philadelphia is our flag today, symbolizing a shared commitment to freedom and equality.

36 USC 157.
36 USC 157a.

To commemorate the adoption of our flag, the Congress, by a joint resolution of August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance. The Congress also requested the President, by joint resolution of June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and to call upon all citizens of the United States to display the flag of the United States on those days.

36 USC 157b.

To focus the attention of the American people on their country's character, heritage and future well-being, the Congress has also, by joint resolution of June 13, 1975, set aside the 21 days from Flag Day through Independence Day as a period to honor America (89 Stat. 211).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning June 10, 1979, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during the week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4661 of May 18, 1979

National Museum Day, 1979

By the President of the United States of America

A Proclamation

Museums are the custodians of a substantial part of humankind's heritage, whether produced by the skill of our ancestors or by our contemporaries.

Museums are centers of research for scholars, of education, of enlightenment for younger generations, and a source of enjoyment and cultural enhancement for all.

Museums enrich the quality of our communities and provide a sense of continuity and perspective which can enhance, in a unique way, the cultural opportunities which are provided by schools, colleges, universities, libraries and other institutions of learning.

In recognition of the contribution made by the museums of our Nation to the preservation of the heritage of the United States and to the furtherance and understanding of the peoples of the United States the 96th Congress, by House Joint Resolution 262, has designated May 18, 1979, as National Museum Day.

Ante, p. 25.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim May 18, 1979, as National Museum Day, and call upon the people of the United States, State and local government agencies, and interested organizations to observe that day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of May, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4662 of May 22, 1979

National Hispanic Heritage Week, 1979

By the President of the United States of America

A Proclamation

From the earliest days of our Nation's history, Hispanics have played a central role in our country's development. First as explorers, then as settlers, and today as leaders in all segments of society, men and women of Hispanic ancestry have contributed greatly to our national heritage.

As a nation, we have not always properly appreciated these contributions. Too often, Hispanics have been the victim of stereotypes and prejudice.

Even today, Hispanics endure a disproportionately high unemployment rate. As a nation, we must reaffirm our commitment to eliminate these residues of prejudice and bigotry.

Our Hispanic American communities continue to grow with our Nation. They share with our Nation a deep pride in their language and culture, and a sense of justice and compassion which nurtures our democratic system and keeps it progressing. It is important that we recognize these singular benefits and encourage their perpetuation.

This country must continue to provide its many ethnic groups with the opportunity to contribute their ideas, their experience, and their energies to the betterment of our society. We must be receptive to the richness of diverse cultures, but we also must work to assure that all Americans benefit in turn from the resulting improvements. With the assistance of our Hispanic citizens and through our own continued commitment, these goals will be achieved.

36 USC 169f.

In 1968, our government formally acknowledged the value of our Hispanic heritage when Congress by joint resolution (82 Stat. 848) asked that the President issue an annual proclamation designating the week including September 15 and 16 as National Hispanic Heritage Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning Monday, September 10, 1979, as National Hispanic Heritage Week. I ask that all Americans reflect on the Hispanic heritage of our Nation and on the need to assure that all citizens share in the prosperity and abundance of our great country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4663 of May 24, 1979

Amendment of Proclamation No. 4610 Regarding the Allocation of Quotas on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

A Proclamation

19 USC 1202.

1. By Proclamation No. 4610 of November 30, 1978, I modified Headnote 3 of Subpart A, Part 10, Schedule 1 of the Tariff Schedule of the United States (19 U.S.C. 1202, hereinafter referred to as "TSUS"). The proclamation was designed substantially to bring the United States into conformity with certain provisions of the International Sugar Agreement, 1977, which the United States is applying provisionally, by allocating a large portion of the sugar import quota to certain named countries which at the time of the issuance of the proclamation were parties or provisional parties to the International Sugar Agreement.

2. Taking into account the factors cited in Proclamation No. 4610, and in order to enable additional countries which have become or may decide to

become parties or provisional parties to the International Sugar Agreement to share currently in the import quota set aside in Proclamation No. 4610 for the parties to the International Sugar Agreement, I find it appropriate to amend that proclamation by authorizing the Secretary of State to allocate the sugar quota among supplying countries or areas to the extent necessary to conform with the provisions of the International Sugar Agreement, 1977. I find that the amendment hereinafter proclaimed is in conformity with the International Sugar Agreement, 1977, and that it gives, as provided for in Headnote 2, of Subpart A, Part 10, Schedule 1 of the TSUS, due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

19 USC 1202.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, and in conformity with Headnote 2 of Subpart A, Part 10, Schedule 1 of TSUS, do hereby proclaim:

19 USC 1821.

A. The first paragraph of Headnote 3 of Subpart A, Part 10, Schedule 1 of the TSUS is modified by substituting for the second sentence of that paragraph the following:

"This quantity shall be allocated among supplying countries or areas to the extent necessary to conform with the provisions of the International Sugar Agreement, 1977, by the Secretary of State or his designee, after appropriate consultations with the Secretary of Agriculture and the Special Trade Representative. The Secretary of State or his designee shall inform the Commissioner of Customs of such allocation, which shall be published in the **Federal Register**.

Publication in Federal Register.

B. The provisions of this proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on the day following the publication in the **Federal Register** of the first allocation made pursuant to this proclamation, except that articles which were released under the provisions of section 448(b) of the Tariff Act of 1931 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of May, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4664 of June 4, 1979

National P.O.W.-M.I.A. Recognition Day, 1979

By the President of the United States of America

A Proclamation

In each of America's past wars our prisoners of war have represented a special sacrifice. On them has fallen an added burden of loneliness, trauma, and hardship. Their burden becomes double when there is inhumane treatment by the enemy in violation of common human compassion, ethical standards, and international obligations.

92 Stat 497.

The Congress has by Joint Resolution (Public Law 95–349) designated July 18, 1979, as "National P.O.W.-M.I.A. Recognition Day."

As we now enjoy the blessings of peace, it is appropriate that all Americans recognize the special debt owed those Americans held prisoner during wartime. It also is appropriate that we remember the unresolved casualties of war, our soldiers who are missing. The pain and bitterness of war endures for the families, relatives and friends of those whose fate is unknown. Our Nation will continue to seek answers to the questions that remain about their fate.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Wednesday, July 18, 1979, as National P.O.W.-M.I.A. Recognition Day, a day dedicated both to all former American prisoners of war as well as those still missing and to their families. I call on all Americans to join on this occasion in honoring those who made the special sacrifice of being captive in war, and their loved ones.

And I call on State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of June, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4665 of June 12, 1979

Extension of Temporary Quantitative Limitation on the Importation Into the United States of Certain Articles of Stainless Steel or Alloy Tool Steel

By the President of the United States of America

A Proclamation

19 USC 1202 note.

19 USC 1202.

1. On June 11, 1976, by Proclamation 4445, the President proclaimed, pursuant to the Constitution and the statutes of the United States (including section 203 of the Trade Act of 1974 (19 U.S.C. 2253) (the Trade Act)), the imposition of temporary quantitative limitations on the importation into the United States of certain articles of stainless steel or alloy tool steel. These limitations were effective as to those articles entered, or withdrawn from warehouse, for consumption on or after June 14, 1976, and were to continue for a period of three years from that date unless earlier modified, or terminated. Proclamation 4445 was subsequently modified by Proclamation 4477 of November 16, 1976, Proclamation 4509 of June 15, 1977, and Proclamation 4559 of April 5, 1978. Import relief currently in effect under Proclamation 4445, as amended, with respect to articles provided for in items 923.20 through 923.26, inclusive, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), is scheduled to terminate at the close of June 13, 1979, unless extended by the President pursuant to section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)).

2. Pursuant to sections 203(i)(2) and (i)(3) of the Trade Act (19 U.S.C. 2253(i)(2) and (i)(3)), the United States International Trade Commission (USITC), on April 24, 1979, reported to the President (USITC Report 203–5)

the results of its investigation under section 203(i) of the Trade Act (19 U.S.C. 2253(i)). The USITC advised that it was evenly divided on the question of the probable economic effect on the domestic industry concerned of the termination of the import relief provided for in items 923.20 through 923.26, inclusive, of the TSUS.

3. Section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)) provides that any import relief provided pursuant to section 203 may be extended by the President, at a level of relief no greater than the level in effect immediately before such extension, if the President determines, after taking into account the advice received from the USITC under section 203(i)(2) of the Trade Act (19 U.S.C. 2253(i)(2)) and after taking into account the considerations described in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), that such extension is in the national interest.

4. In accordance with section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)), having taken into account the advice received from the USITC under section 203(i)(2) of the Trade Act (19 U.S.C. 2253(i)(2)), and the considerations described in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I have determined that the extension of the import relief provided for in items 923.20 through 923.26, inclusive, of the TSUS is in the national interest. 19 USC 1202.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07 and 609.08 in Part I of Schedule XX to the GATT are modified to conform with the Quantitative restrictions set forth in the Annex to this proclamation.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(3) The authority to make changes in the quantitative restrictions provided for in this proclamation, as set forth in the Annex to this proclamation, is hereby delegated to the Special Representative for Trade Negotiations.

(4) This proclamation shall be effective as to those articles entered, or withdrawn from warehouse, for consumption on or after June 14, 1979, and before the close of February 13, 1980, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by deleting paragraph (i) of headnote 2(a) and inserting the following new paragraph (i):

"(i) The term *"restraint period"* refers to the 2-month period beginning June 14, 1979, and ending August 13, 1979, and thereafter to the three subsequent 2-month periods ending at the close of February 13, 1980;";

(b) by deleting headnotes 2(b), (c), (d), (e), and (f);

(c) by inserting the following new headnote 2(b):

"(b) *Carryover.*—Whenever the quota quantity for item 923.22 or 923.26 has not been entered during any restraint period, the shortfall may be entered under the same item during the following restraint periods and not be counted against the quota quantity therefor. Whenever any quota quantity for a country or instrumentality under item 923.20, 923.21, or 923.23 has not been entered during any restraint period, the shortfall may be entered under the quota for that country or instrumentality under the same item during the following restraint periods and not be counted against the quota quantity therefor;";

(d) by inserting the following new headnote 2(c):

"(c) *Shortfall.*—During the second month of the third restraint period, should be Special Representative for Trade Negotiations determine that any quota quantity for a country or instrumentality under item 923.20, 923.21, or 923.23 is unlikely to be used during the remainder of the third restraint period or during the fourth restraint period, the Special Representative may modify the quota quantities for that item for the fourth restraint period by reallocating the shortfall to other suppliers, such modification to be effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after December 13, 1979. Notice of such modification is to be published in the *Federal Register* prior to December 13, 1979;";

(e) by redesignating headnote 2(g) as headnote 2(d); and

(f) by deleting items 923.20 through 923.26, inclusive, and inserting the following new items in lieu thereof:

"Item	Articles	Quota Quantity (in short tons)			
		Effective on or after—			
		June 14, 1979	Aug. 14, 1979	Oct. 14, 1979	Dec. 14, 1979
	Whenever, in any restraint period the respective aggregate quantity of articles specified below for items 923.20, 923.21, 923.22, 923.23, or 923.26 the product of a specified foreign country or instrumentality has been entered (whether, for tariff purposes, in schedule 6 or in parts 1, 2, and 5 of schedule 6), no article in such item the product of such country or instrumentality may be entered during the remainder of such restraint period:				
923.20	Sheets and strip of stainless steel (except razor blade steel) of the types provided for in items 608.85, 608.88, 609.06, 609.07, and 609.08:				
	Japan	7,341	8,022	8,757	9,071
	European Economic Community	3,062	3,346	3,652	3,783
	Canada	1,696	1,854	2,024	2,097
	Sweden	1,365	1,492	1,628	1,687
	Other:				
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	535	585	638	661
	Other (total)	1	1	1	1
923.21	Plates of stainless steel of the types provided for in items 608.85 and 608.88:				
	Japan	1,198	1,265	1,287	1,331
	European Economic Community	589	612	633	655
	Canada	95	100	102	106
	Sweden	695	723	735	760
	Other:				
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	133	140	143	148
	Other (total)	None	None	None	None
923.22	Bars of stainless steel of the types provided for in item 608.52	4,800	5,200	5,500	5,600
923.23	Wire rods of stainless steel of the types provided for in items 608.76 and 608.78:				
	Japan	1,061	1,111	1,160	1,193
	European Economic Community	1,397	1,462	1,528	1,571

"Item	Articles	Quota Quantity (in short tons)			
		Effective on or after—			
		June 14, 1979	Aug. 14, 1979	Oct. 14, 1979	Dec. 14, 1979
	Canada	None	None	None	None
	Sweden	742	777	812	836
	Other:				
	Countries entitled to the rate of duty in rates of duty column number 1 (total)	None	None	None	None
	Other (total)	None	None	None	None
923.26	Alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 within the specifications of headnote 2(a)(iii)	4,100	4,500	4,800	5,000".

Proclamation 4666 of June 22, 1979

Captive Nations Week, 1979

By the President of the United States of America

A Proclamation

Twenty years ago, by a joint resolution approved July 17, 1959 (73 Stat. 212), the Eighty-Sixth Congress authorized and requested the President to proclaim the third week in July of each year as Captive Nations Week.

However greatly the world has changed in the past generation, our country's fundamental faith in human freedom remains constant. Americans now, as at all times in our history, remain steadfast in our belief that liberty and national independence are among the universal birthrights of mankind.

Remembering our democratic heritage and our commitment to human rights, let us take this occasion to reaffirm our admiration for all the men and women around the world who are committed to the cause of freedom.

And mindful of our own rich and diverse heritage, let us express our compassion and respect for persons around the world still seeking the realization of these ideals in their own lands.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning July 15, 1979, as Captive Nations Week.

I invite the people of the United States to observe this week with appropriate ceremonies and activities and to reaffirm their dedication to the ideals which unite us and serve as inspiration to others.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of June, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Proclamation 4667 of July 10, 1979

National Energy Supply Shortage

By the President of the United States of America

A Proclamation

The Secretary of Energy has advised me that the continued reduction in world crude oil production has resulted in a national energy supply shortage constituting a severe energy supply interruption as defined in Section 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8)). The Secretary based his conclusion on the fact that current and projected imports of crude oil and petroleum products, plus available stocks, are not adequate to meet normal demand and that shortages of essential fuels have begun to have a major adverse impact on the economy with the possibility of more severe impacts occurring in the future. Recent shortages of gasoline in some areas of the Nation and the current inadequate levels of heating oil stocks have underscored the seriousness of the situation and demonstrate that action must be taken now to conserve available supplies of petroleum.

On the basis of the Secretary's report, and other information available to me, I hereby find and determine, in accordance with Sections 201(b) and 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b), 6202(8)), the existence of a national energy supply shortage constituting a severe energy supply interruption, which:

(A) is of significant scope and duration and of an emergency nature;

(B) may cause major adverse impact on national safety or the national economy; and

(C) has resulted from an interruption in the supply of imported petroleum products.

I further find that implementation of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2, is required by the severe energy supply interruption. This Plan was transmitted by me to the Congress on March 1, 1979, and approved by a resolution of each House (S. Res. 122, 125 Cong. Rec. S 5135 (May 2, 1979); H. Res. 209, 125 Cong. Rec. H 3018 (May 10, 1979)), which resolutions have been transmitted to me by the Secretary of the Senate and the Clerk of the House. Those resolutions were received by me on May 4 and May 15, 1979, respectively.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 201(b) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b)), do hereby proclaim that:

Section 1. A severe energy supply interruption, as defined in Section 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8)) currently exists with respect to the supply of imported crude oil and petroleum products.

Sec. 2. This finding shall be immediately transmitted to the Congress.

Sec. 3. The provisions of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2 (44 FR 12911 of March 8, 1979), shall become effective as of July 16, 1979.

Sec. 4. In accordance with the provisions of the Plan, the Secretary of Energy is hereby authorized to issue regulations for the purpose of implementing the Energy Conservation Contingency Plan No. 2 and to administer the program in all respects.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of July, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: The text of the President's finding, which was transmitted to the Congress on July 10, 1979, is printed in the Weekly Compilation of Presidential Documents (vol. 15, p. 1226).

Proclamation 4668 of July 11, 1979

Modification of Temporary Quantitative Limitations on the Importation of Certain Articles of Stainless Steel or Alloy Tool Steel

By the President of the United States of America

A Proclamation

On June 12, 1979, by Proclamation 4665, I proclaimed, pursuant to the Constitution and the statutes of the United States (including section 203 of the Trade Act of 1974 (19 U.S.C. 2253) (the Trade Act)), an extension for the period of June 14, 1979 through February 13, 1980, of the temporary quantitative limitations imposed by Proclamation 4445, as amended, on the importation into the United States of certain articles of stainless or alloy tool steel provided for in items 923.20 through 923.26, inclusive, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

Ante, p. 1518.
USC prec. title 1.

19 USC 1202 note.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in order to assure equitable treatment under Proclamation 4445, as amended, and acting under the authority vested in me by the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786) do proclaim that Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of July, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by redesignating headnote 2(d) as headnote 2(e); and

(b) by inserting the following new headnote 2(d):

"(d) Adjustments.—If the Special Representative determines that it is necessary or appropriate to assure equitable treatment in a manner consistent with the objective of phasing-out import relief he may:

(1) Allocate or reallocate specific quota quantities to any country or instrumentality subject to restriction (either individually or by inclusion in the "other" country grouping), either on an item by item basis, or for all items; or

(2) Adjust the quota quantities between countries or instrumentalities, among or within items 923.20 through 923.26, inclusive, or among or within restraint periods, provided that any such adjustment does not affect the sum of all quota quantities for all items 923.20 through 923.26, inclusive, for the period June 14, 1979, through February 13, 1980.

Such modifications are to be effective on or after the date of their publication in the **Federal Register.**".

Proclamation 4669 of July 17, 1979

United States Space Observance, 1979

By the President of the United States of America

A Proclamation

Ten years ago this week, the Apollo astronauts changed forever, for all humanity, our concept of the universe and our relation to it. Their electrifying landing on the Moon—that "giant leap" to the surface of another world—was an unparalleled triumph of determination and technological genius. It epitomized the strength and the potential of the American people.

During ten years since, space has become part of our daily lives. We use it for essential communications and for monitoring our environment. Nationally and internationally, the exploration and use of space hold even greater promise in the future for the wiser management of our planetary resources, for the expansion of knowledge, and for the development of civilization.

Ante, p. 87.

In recognition of this triumph, the Congress, by joint resolution (H.J. Res. 353), has requested that the period of July 16 through 24, 1979, be designated as "United States Space Observance."

As we face new challenges as a nation—notably the challenge of achieving energy security—let us reflect upon the courage of the Apollo astronauts, and their predecessors in the Mercury and Gemini programs. And let us take courage and inspiration from the success of America's effort to land the first men on the Earth's Moon and return them safely.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the period of July 16 through July 24, 1979, as "United States Space Observance." In accord with the congressional resolution, I call upon the people of the United States to observe this period with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4670 of July 23, 1979

Citizenship Day and Constitution Week, 1979

By the President of the United States of America

A Proclamation

On September 17, 1787, in Independence Hall, Philadelphia, our Founding Fathers adopted the Constitution of the United States. With this great document as its cornerstone, our country has become the finest example in all history of the principle of government by law, in which every individual is guaranteed certain inalienable rights. The strong beliefs of its authors in the worth of the individual and the rights to be enjoyed by all citizens have made the Constitution not only an enduring document but one which finds new life with the passing of years and continues to inspire freedom-seeking people all over the world.

On February 29, 1952, by joint resolution (36 U.S.C. 153), the Congress designated September 17 as Citizenship Day, in commemoration of the formation and signing of the Constitution as a reminder of the privileges and responsibilities of citizenship. By a joint resolution of August 2, 1956 (36 U.S.C. 159), Congress authorized the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week and to issue a proclamation calling for the observance of that week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1979. I urge Federal, State and local officials, as well as leaders of civic, educational and religious organizations to conduct meaningful ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1979, and urge all Americans to observe that week with appropriate ceremonies and activities in their schools, churches and in other suitable places in order to foster a better understanding of the Constitution, and of the rights and duties of United States citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of July, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4671 of August 15, 1979

Firefighters' Memorial Sunday, 1979

By the President of the United States of America

A Proclamation

Courageous firefighters have protected the lives of their neighbors from the ravages of fire since the beginning of civilization.

Volunteer and professional firefighters are members of America's most hazardous profession. More than half of the injuries in fires each year are sustained by firefighters, over 55,000 each year.

Numerous churches and many denominations have indicated a desire to participate in a designated Memorial Sunday honoring these consecrated firefighters for their ultimate sacrifices for their fellowmen.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Sunday, October 7, 1979, as Firefighters' Memorial Sunday.

Because of my grave concern for the firefighters of this country, I have urged the Federal government to undertake numerous programs aimed at reducing the dangers faced by this country's firefighters. We must do more to reverse the trend toward more injuries and deaths of firefighters.

This year the 50-year dream of a National Fire Academy became a reality. At that site, firefighters from across the Nation can receive advanced training and education in health and safety. I invite the firefighters of the country to take full advantage of this long-awaited facility.

I also call upon the members of the Joint Council of National Fire Service Organizations, members of the International Association of Fire Fighters, members of the International Association of Fire Chiefs, the National Fire Protection Association, all other organizations concerned with fire safety, and the United States Fire Administration to provide leadership and innovation to protect the lives of America's volunteer and professional firefighters.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4672 of August 15, 1979

Fire Prevention Week, 1979

By the President of the United States of America

A Proclamation

Fire causes more loss of life and property in the United States than all other natural disasters combined. Fire is the second most frequent cause of accidental death in the home. Volunteer and professional firefighters bear a disproportionate burden of the human costs of fire; firefighting is still America's most hazardous profession.

Last year 8,700 Americans died, 280,000 were injured in fires and $5 billion in property was lost. America's loss to fire is among the very highest in the industrialized world.

As evidence of my strong personal concern about our fire problem, I have implemented a Reorganization Plan that puts the Federal government's principal fire programs in the new Federal Emergency Management Agency. This agency now coordinates America's disaster preparedness and response efforts. But the Federal government alone cannot reduce America's fire losses. The public and private sector must do their part. Together we can lessen this unnecessary, life-threatening destruction.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate October 8–14, 1979, as Fire Prevention Week.

Because fire deaths most often occur in homes, I call upon American families and other property owners to install smoke detectors, to practice exit drills, and to be especially vigilant in guarding against fires.

I encourage the fire service, police, prosecutors, the insurance industry, and government to work together to improve arson detection and prosecution so that we can begin to eliminate this costly, often murderous crime.

I call upon every fire department in the country to teach citizens the fundamentals of basic life support, cardio-pulmonary resuscitation, and to improve the delivery of emergency medical services.

I urge the fire service to fully open their profession to women, and I offer my support to the growing number of professional and volunteer women firefighters.

I encourage the fire service to take full advantage of the National Fire Academy that became a reality this year. The Academy will be an effective tool in providing training and education for the Nation's firefighters.

I support and encourage the cooperative efforts of private enterprise and government in developing low cost residential sprinkler systems that may revolutionize fire safety in the home.

Finally, I call upon members of the Joint Council of National Fire Service Organizations, members of the International Association of Fire Fighters, members of the International Association of Fire Chiefs, the National Fire Protection Association, all other organizations concerned with fire safety, and the United States Fire Administration to provide the leadership, planning and innovation necessary for an effective national fire prevention and control effort.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4673 of August 16, 1979

General Pulaski's Memorial Day, 1979

By the President of the United States of America

A Proclamation

On the eleventh day of October, the people of the United States will honor the 200th anniversary of the death of the Polish patriot, Casimir Pulaski. On the bicentennial of his death, caused by wounds suffered during the Battle of Savannah, we are reminded of his heroism and his selflessness as he led his famous cavalry unit, The Pulaski Legion, in the struggle for American independence.

As we pay tribute to General Pulaski and his sacrifices for freedom, both here and in his native land, we also honor the contributions made by generations of Americans of Polish descent to the greatness of our Nation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Thursday, October 11, 1979, as General Pulaski's Memorial Day, and I direct the appropriate government officials to display the flag of the United States on all government buildings on that day.

I also invite the people of the United States to honor the memory of General Pulaski by holding appropriate exercises and ceremonies in suitable places throughout our land.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4674 of August 20, 1979

Women's Equality Day, 1979

By the President of the United States of America

A Proclamation

USC prec. title 1.

On August 26, 1920, fifty-nine years ago, the 19th Amendment became a part of the United States Constitution, guaranteeing women the right to vote.

As we celebrate the anniversary of that victory for all Americans, we applaud the courage of the women and men who struggled for generations to achieve it. But the 19th Amendment was only one step on the long journey toward full equality for women.

Through persistent and dedicated effort, women have made great strides toward achieving that equality in recent years. But the need for the Equal Rights Amendment is still compelling. Today, I reiterate my continued commitment to make the ERA a part of our Constitution.

The ERA does not legislate that men and women are the same. It simply says that the law cannot penalize women because they are female. Nor does the ERA impose new, unwanted roles on women. Rather, it safeguards their opportunity to develop their full potential in the directions they choose. As women are freed from arbitrary barriers and stereotypes, men are liberated as well.

When passed, the ERA will provide a single, clear, comprehensive standard against which discrimination can be measured. Legal equality for women must be made a part of the Constitution.

The ERA is not a recent idea. It was first introduced in Congress in 1923. After lengthy and careful debate, Congress submitted it to the States for ratification on March 22, 1972. Now all but three of the necessary thirty-eight states have ratified it. The deadline is June 30, 1982.

The ratification of the ERA may be the single most important step in assuring American women their full equality. Gaining ratification in the remaining states will not be easy—but it will mean our country can tap the full resources and abilities of all its citizens.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim August 26, 1979, as Women's Equality Day and do hereby urge all Americans to work to guarantee full equality for women before the 1982 deadline.

I hope that, as a part of future celebrations for Women's Equality Day, we can celebrate the passage of the 19th Amendment and the passage of the Equal Rights Amendment.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4675 of August 20, 1979

Fifteenth Anniversary of the Signing of the Economic Opportunity Act

By the President of the United States of America

A Proclamation

On August 20, 1964, our Nation embarked upon its most altruistic enterprise since the Marshall Plan. President Lyndon B. Johnson signed into law an Act "to mobilize the human and financial resources of the Nation to combat poverty in the United States."

The ideal envisioned in the Economic Opportunity Act of 1964 was a Nation in which "every individual has the opportunity to contribute to the full extent of his capabilities and to participate in the workings of our society."

42 USC 2701 note.

The proud litany of bold innovations which this legislation introduced into the Nation's vocabulary included Community Action, Head Start, Job Corps, Legal Services, VISTA, New Careers, Foster Grandparents, Upward Bound, Follow Through, Emergency Food and Medical Services, and Senior Opportunities and Services.

The experimental concepts tested in these many programs have long since left the laboratory. Along the way, we have made some important discoveries—about poverty, about ourselves and about our country. We have learned from these programs that poverty is not an isolated problem that can be overcome without changes in the larger economy. We have learned that the poor of America are by no means alone in their deep-seated desire for institutional change; in their desire for government responsiveness at all levels; in their desire for opportunities for genuine participation as members of our society. We have discovered along the way that poor and non-poor alike long for a sense of community, a share in decision-making, a feeling that the individual can be heard—in the councils of government, in corporate meetings, and in the marketplace.

All Americans should have learned in these 15 tumultuous years that changing circumstances may place any one of us in the path of common enemies: obsolete skills in an age of technological revolution; the danger of disability through injury or disease in a hazardous environment; mutual vulnerability to shrinking energy, housing, and food resources. All of us have learned that our country cannot afford to allow differences—in income, in social status, in geography, in age, in intellect or health, in color, accent, or religion—to divide and polarize us.

This generation has learned also that poverty is not a question of income alone—we can be energy-poor, even though wealthy as a Nation; we can be spiritually impoverished, even when we are materially satiated.

Let us take this occasion, then, to rededicate ourselves and our country to the ideals of the Economic Opportunity Act with a renewed commitment to our Nation's goal of securing the opportunity for every individual to "attain the skills, knowledge, and motivations . . . to become fully self-sufficient."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim and designate the next 12 months as a year of rekindled effort to open to everyone in our land "the opportunity to live in decency and dignity."

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America, the two hundred and fourth.

JIMMY CARTER

Proclamation 4676 of August 29, 1979

Columbus Day, 1979

By the President of the United States of America

A Proclamation

Four hundred and eighty-seven years have passed since an Italian navigator in the service of Spain left the Old World to find the New. Christopher Columbus was determined to test an audacious theory: to reach the East, sail west. On the morning of October 12, 1492, with ninety men in three small ships, he sailed into immortality.

The voyage of this intrepid explorer marked the convergence of American and world history. His discovery opened a new age—an age that gave the world a new center.

We are the inheritors of Columbus' legacy. As a nation which has always striven for the same qualities as the Great Navigator, we must continue the search for new horizons.

It is fitting that, on the observance of this October 12, we once again recall to mind Columbus' extraordinary voyage and, in the spirit of that undertaking, rededicate ourselves to that which is best and most courageous in us.

In tribute to Columbus' achievement, the Congress of the United States of America, by joint resolution approved April 30, 1934 (48 Stat. 657), as modi- 36 USC 146.

fied by the Act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day. 5 USC 6103.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Monday, October 8, 1979, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in his honor.

I also direct that the flag of the United States of America be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4677 of August 29, 1979

Leif Erikson Day, 1979

By the President of the United States of America

A Proclamation

From time immemorial, explorers have sought new frontiers to explore and new worlds to conquer. Their insatiable curiosity, their willingness to face new challenges remain inspirations to the modern world.

Few people can surpass the courage and accomplishments of Leif Erikson, a remarkable representative of a remarkable people. His voyage west to uncharted waters epitomized the virtues of bravery, skill and imagination.

In honoring this great Norseman, we honor the representative of a people whose respect for law and whose early devotion to representative government mirrors our own commitments. We honor, too, Americans of Scandinavian descent, who have made such notable contributions to the development of the United States.

To express our respect for the accomplishments of Leif Erikson and his followers, the Congress of the United States, by joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169) designated October 9 in each year as Leif Erikson Day. 36 USC 169c.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Tuesday, October 9, 1979, as Leif Erikson Day, and I direct the appropriate government officials to display the flag of the United States on all government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate ceremonies in suitable places throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4678 of August 29, 1979

White Cane Safety Day, 1979

By the President of the United States of America

A Proclamation

Most of us take it for granted that we can walk unaided through a crowded store or street. We give little thought to our freedom to come and go as we please, yet there are over six million Americans whose vision is so impaired that every corner is a place of danger.

For many of these people, help comes in the form of a white cane. This eight-ounce, long white stick is as useful as it is simple. For a blind person, it is a kind of beacon. In the hands of someone trained in its skillful use, the white cane becomes an extension of the body, providing assurance that the path ahead is clear.

Upon encountering someone using a white cane, those of us who are fortunate enough to see well should slow our pace for a moment to notice if the person seems to need assistance. Offering an arm to a blind person crossing the street or guiding him or her around a barrier requires only a few moments. Indeed, just yielding the right of way to a blind person can make the difference between a pleasant and safe excursion or a frustrating and possibly hazardous one. Motorists, cyclists, and joggers should be especially alert to the person with a white cane.

To heighten public awareness of the importance of the white cane to the independence and safety of blind and visually handicapped Americans, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003; 36 U.S.C. 169d) has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim October 15, 1979, as White Cane Safety Day.

On this occasion, I urge all Americans to consider the needs and accomplishments of those who successfully overcome the difficulties imposed by visual disability and blindness. Such individuals merit recognition and respect for the special efforts they must make to function independently in a world where the ability to see is taken for granted.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4679 of September 6, 1979

National Grandparents Day

By the President of the United States of America

A Proclamation

As we seek to strengthen the enduring values of the family, it is appropriate that we honor our grandparents.

Grandparents are our continuing tie to the near-past, to the events and beliefs and experiences that so strongly affect our lives and the world around us. Whether they are our own or surrogate grandparents who fill some of the gaps in our mobile society, our senior generation also provides our society a link to our national heritage and traditions.

We all know grandparents whose values transcend passing fads and pressures, and who possess the wisdom of distilled pain and joy. Because they are usually free to love and guide and befriend the young without having to take daily responsibility for them, they can often reach out past pride and fear of failure and close the space between generations.

The Congress, by joint resolution (H.J. Res. 244), has authorized and requested the President to designate the first Sunday of September following Labor Day of each year as National Grandparents Day.

Ante, p. 410.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Sunday, September 9, 1979 and the first Sunday following Labor Day in each succeeding year as "National Grandparents Day."

I urge officials of Government at the national, State, and local levels, and of voluntary organizations to plan appropriate activities that recognize the importance and the worth of the 17 million grandparents in our nation. I urge all Americans to take the time to honor their own grandparents or those in their community.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of September, in the year our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4680 of September 10, 1979

National Lupus Week, 1979

By the President of the United States of America

A Proclamation

Lupus erythematosus is an increasingly serious connective tissue disease, affecting 500 thousand Americans, mostly young women. There are an estimated 50,000 new victims each year stricken by this disease.

In the systemic form, lupus attacks the entire body and its diverse organ systems, destroying connective tissue in the kidney, heart, and other vital organs. A major feature of the disease is redness of the skin, particularly the appearance of a butterfly-like rash that is often sensitive to light. Additional manifestations of lupus include fever, arthritis, pleurisy, pneumonia, blood abnormalities, heart disease, and central nervous system dysfunction. As its name suggests, this "lupine" disease ravishes the total body in a relentless clinical course and frequently costs its victims their lives in early adulthood.

Although the cause of lupus is not known, the prognosis for patients has vastly improved in recent years. In 1955 the survival rate for lupus victims was 50 percent four years after diagnosis. Now, more than 80 percent of lupus patients are treated successfully during the ten years after their disease has been identified. This increased survival is due to a number of factors including greater awareness of the disease, better diagnostic methods, and development of more effective drug therapies.

The outlook is far from bleak, but greater awareness of the disease and new approaches for improved treatment and diagnosis are needed in order to eliminate lupus as a cause of human suffering and to improve the quality of life in our society for its victims.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of September 16 through September 22, 1979 as National Lupus Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professions to provide the necessary assistance and resources to discover the cause and cure of lupus erythematosus and to alleviate the suffering of all persons struck by this disorder.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4681 of September 10, 1979

International Energy Conservation Month, October 1979

By the President of the United States of America

A Proclamation

The United States is the largest user of energy in the world and since 1978 has become increasingly dependent on imported oil to meet its domestic needs.

While considerable progress has been made in reducing the rate of growth in demand for energy, much more remains to be done if the United States is to meet its responsibility to reduce its demand for petroleum on the world market.

Energy problems facing us in the United States are similar to those facing other industrialized nations, as well as many of the world's less developed countries. The fundamental problem domestically and internationally is that demand for petroleum is increasing faster than the capacity to produce it.

As the world's major consumer of energy, it is essential that the United States become a leader in conserving energy by curtailing unnecessary and wasteful uses, by improving the efficiency with which we use energy for essential purposes and by switching from increasingly scarce petroleum and petroleum products to more abundant alternate sources.

To this end, I have announced a program of import quotas to see that the commitment we made at the Tokyo Summit will be achieved.

We must also reduce our imports through vigorous and sustained conservation of energy. This task has already begun. The National Energy Act I proposed, which was enacted last November, includes:

42 USC 8201 note.

—a $300 residential energy conservation tax credit, which the taxpayer can claim for the purchase of insulation and other energy-saving measures;

—a residential insulation service which local utilities must provide beginning in the fall of 1980, to provide energy evaluations of homes and to arrange loan financing for installation of insulation;

—a 10% investment tax credit for equipment used to conserve energy by improving the efficiency of industrial plants;

—weatherization grants for low-income households;

—a 5% reduction in annual energy use by each Federal department, including mandatory building temperature standards and a 10% reduction in automobile fuels;

—a $900 million grant program to provide 50% of the cost of energy conservation measures for schools and hospitals;

—a $65 million grant program to provide technical assistance and energy audits for local government and other public buildings;

—mandatory non-residential building temperature restrictions;

—mandatory automobile fuel economy standards for each model year through 1985; and

—a "gas guzzler tax" on automobiles failing to meet fuel efficiency standards, beginning with the 1980 model year.

I also have proposed, and Congress will consider:

—a major program to make residential and commercial buildings more energy efficient;

—$16.5 billion in new Federal funding over the coming decade for mass transportation systems and improved automobile efficiency. These latter programs will be funded by the proposed Windfall Profits Tax.

The effectiveness of our efforts to conserve energy in the years ahead will have substantial impact on both the Nation's ability to meet future energy needs at home and on the stability of social, political and economic institutions around the world.

In response to the recognized need to conserve energy, the 20 member countries of the International Energy Agency, including the United States, have designated the month of October 1979 as International Energy Conservation Month. The objectives of International Energy Conservation Month are: 1) to provide an international focus for national efforts to stimulate greater public awareness of the continuing and long-term need for energy conservation; 2) to underline the extent to which industrialized nations are cooperating to conserve energy; and 3) to give member countries an opportunity to plan events which will either culminate during the month or use the month as a springboard for continuing programs.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in full support of this international program, do proclaim October 1979 as International Energy Conservation Month in the United States and call upon all Americans to join me in observing it. During the month let us as a Nation focus our attention on energy conservation through our actions and deeds. Let us view that month as the springboard to a more energy-efficient, energy-reliable future.

I call upon State and local governments to join me in proclaiming October as International Energy Conservation Month and to undertake activities in support of its objectives.

I urge all citizens, corporations, labor unions, trade associations, the media, and groups and organizations of all types to participate in this international energy conservation program at home, at work, while traveling and in all daily activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4682 of September 11, 1979

National Hunting and Fishing Day, 1979

By the President of the United States of America

A Proclamation

The millions of hunting and fishing licenses issued each year reflect a widespread appreciation of the healthy recreation, peaceful solitude and closeness to nature these pursuits offer.

America's hunters and fishermen have long been leaders in the conservation movement. They understand the importance of clean air, good water and adequate habitat for wildlife. They support those goals through the purchase of licenses and the payment of taxes on hunting and fishing equipment. They and the organizations that represent them are also effective leaders in the promotion of firearm and boating safety.

It is appropriate that we recognize all of these contributions by the observance of a National Hunting and Fishing Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Saturday, September 22, 1979, and the fourth Saturday of September in each succeeding year, as National Hunting and Fishing Day.

I urge all of our citizens to join with outdoor sportsmen in the wise use and management of our natural resources.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4683 of September 11, 1979

Child Health Day, 1979

By the President of the United States of America

A Proclamation

For over 50 years, this Nation has observed Child Health Day. By setting aside this special day each year, we reaffirm our commitment to the improvement of the health of our children. Excellence is the only standard that is acceptable in our efforts to promote good health, prevent disease and disability, and improve conditions that interfere with the ability of each child to reach his or her potential.

In this International Year of the Child, we have accelerated our assault on infant mortality, childhood accidents, acute and chronic diseases and handicapping conditions. I am determined to assure that children receive the expert care they need and to which they are entitled. My goal continues to be excellence in providing for the health needs of our children.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Monday, October 1, 1979, as Child Health Day.

I ask that you join me as we pledge our continuing attainment in the pursuit of excellence of health care for our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4684 of September 13, 1979

United Nations Day, 1979

By the President of the United States of America

A Proclamation

Thirty-four years after its founding "to save succeeding generations of mankind from the scourge of war", the United Nations remains mankind's last best hope for building a world community based on justice, tolerance for diversity and respect for the rule of law.

The United Nations has no magic formula for solving the increasingly complex problems of our revolutionary age. Yet it remains the symbol, and the standard, of mankind's desire to turn away from ancient quarrels and live in a world in which all peoples can share in the fruits of prosperity and peace.

More than ever, the international community is challenged by problems of global dimension which can be solved only through world-wide cooperation and dialogue. The 100 new nations which have joined the United Nations since its founding are a symbol of the increasingly complex and diverse world which the United Nations confronts today.

Protecting international peace and security is still the United Nations' greatest contribution and responsibility, but that political stability is only the precondition for fulfilling the larger aspirations of mankind. For all its imperfections, the United Nations remains the principal forum for the pivotal dialogue among the nations of the world on constructing a more stable, equitable, and productive economic order. It plays a leading role in the global management and allocation of vital natural resources. It offers an increasingly important channel for providing development assistance to many nations in the world. It offers a forum, and often a timely and effective mechanism for protecting basic human rights. The leadership of the United Nations in responding to the present refugee crisis, and the recent Geneva Meeting on that problem, represents one of the proudest examples of that world body's ability to harness world cooperation in the cause of human dignity.

The United States has historically been one of the United Nations' most active and dedicated supporters, and I have been proud to continue and expand on that support as President. Not a single day goes by when we in the United States do not call upon the United Nations, or one of its affiliates, to help deal with a problem of global dimensions. I join with many other Americans and citizens of all nations in expressing my sincere support for this unique world body on the thirty-fourth anniversary of its founding.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Wednesday, October 24, 1979, as United Nations Day. I urge all Americans to use this day as an opportunity to better acquaint themselves with the activities and accomplishments of the United Nations.

I have appointed O. Pendleton Thomas to serve as 1979 United States National Chairman for United Nations Day, and the United Nations Association of the U.S.A. to work with him in celebrating this very special day. And I invite all the American people, and people everywhere, to join me on this thirty-fourth anniversary of the United Nations, in strengthening our common resolve to increase its effectiveness in meeting the global challenges and aspirations that we all share.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America, the two hundred and fourth.

JIMMY CARTER

Proclamation 4685 of September 13, 1979

National Employ the Handicapped Week, 1979

By the President of the United States of America

A Proclamation

The past decade has been marked by significant advances for handicapped people.

Such laws as the Rehabilitation Act of 1973 protect many handicapped individuals from discrimination in employment and services. Handicapped workers have made great progress in entering the job market, and those already in the labor force are moving up to better jobs. More of our Nation's buildings and public transportation systems are being made accessible. Many handicapped individuals have been moving out of institutions into homes, apartments, and community facilities which facilitate independent living. As handicapped individuals move into the mainstream of society, more and more of their fellow citizens are overcoming their prejudices and seeing handicapped individuals as people.

Yet much remains to be done. Many qualified handicapped people, including many disabled veterans, are unemployed or underemployed, and others are not promoted because of discriminatory attitudes rather than an inability to perform. Many buildings still have thoughtless architectural barriers that prevent handicapped persons from getting jobs and education. Public transportation is still not available to all handicapped individuals.

This country needs the creativity, skill and participation of all our citizens. To affirm our commitment to equality for the handicapped members of our society, the Congress, by joint resolution of August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the first full week in October each year as National Employ the Handicapped Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning on October 7, 1979, as National Employ the Handicapped Week. I urge all Governors, Mayors, other public officials, leaders in business and labor, and private citizens at all levels of responsibility to help remove all barriers which prevent handicapped individuals from obtaining productive employment and from participating fully in other aspects of American life.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4686 of September 14, 1979

National Diabetes Week, 1979

By the President of the United States of America

A Proclamation

Diabetes mellitus affects the lives of 10 million Americans. Each year, 35,000 Americans die from this disease, and many times that number fall victim to heart attack, stroke, kidney failure, blood vessel disease and blindness related to diabetes. Diabetes now costs the country more than $6 billion annually in health care expenses, disability payments and lost wages.

A major national effort is underway among Federal agencies, State and local governments, academic institutions and voluntary health organizations to combat diabetes and its complications, which so often compromise the quality of life of its victims. There is optimism in the scientific community that research is leading to greater understanding and improved methods of treatment for diabetes and its complications. We must continue to focus attention on the needs of the many victims of diabetes in the United States if we are ever to reduce the impact of this disease as a source of human suffering in our Nation.

Ante, p. 357.

The Congress, by Joint Resolution enacted August 13, 1979 (Public Law 96-51), has authorized and requested the President to designate the week of October 8 through October 14, 1979, as National Diabetes Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of October 8 through October 14, 1979, as National Diabetes Week.

I call upon public and private agencies and organizations to recognize and observe it appropriately. I invite the Governors of the States, the Commonwealth of Puerto Rico and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4687 of September 18, 1979

National Forest Products Week, 1979

By the President of the United States of America

A Proclamation

Our Nation's forests are one of our greatest resources, covering nearly one-third of our land. The forests are "lands of many uses" providing wood for a multitude of products, protection of watersheds, forage for livestock, food and shelter for wildlife, wilderness areas, and a tremendous range of recreation opportunities for people of every age and income.

In these times of worldwide inflation and energy shortages, we can turn to our forests for relief. Forests offer numerous opportunities for low-cost vacations.

Forest products can have even greater inflation-fighting and energy-saving roles. I recently directed two Federal agencies to examine their forested lands to see what could be done to provide more timber so that the cost of housing could be reduced.

Discoveries from forest product research are being applied to help fight inflation and save energy. A new house developed by Forest Service scientists will allow us to build houses with 30 percent less structural lumber than is used now for similar structures. New processing techniques reduce the amount of energy needed to make paper and also allow manufacture of more paper from less wood.

In addition, America's forests make direct contributions to reducing our dependence on foreign sources of energy. This country once ran on the energy provided by burning wood, and we can obtain energy from that resource again. Every year, more and more Americans are turning to efficient wood-burning stoves and furnaces to help in their fight against rising energy costs.

Wise use of our Nation's forest products results in turn from wise and efficient management of the forests themselves. Planning carefully for all forest uses, minimizing waste, and replenishing harvested trees will sustain our forests and insure the continuity of this tremendous renewable asset.

In recognition of the value of forests for energy, wood products, and recreation, Congress has designated the third week of October as National Forest Products Week. It is important that we pause to reflect upon the value of our forests to our national well-being.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of October 21 through October 27, 1979, as National Forest Products Week and ask all Americans to demonstrate their awareness of the value of forests through suitable activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4688 of September 18, 1979

Veterans Day, 1979

By the President of the United States of America

A Proclamation

No Americans have done more to win and protect the peace than the men and women of our Armed Forces, past and present.

Veterans Day affords each of us the opportunity to join our fellow citizens, in communities across the Nation, in honoring those whose love of country knew no bounds—those to whom patriotism was principle, not mere sentiment. Without the sacrifices which our brave veterans made so freely and so generously, our cherished freedom would long ago have vanished.

On this historic day, let us resolve anew to keep faith with those who have done so much to shape this Nation with their honor and valor. The flag under which they served is the emblem of our unity, our power, our purpose as a Nation. It has no other character than that which we give it from generation to generation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby invite citizens everywhere to join with me in observing Veterans Day on Sunday, November 11, 1979. Let the past and present unite in prayer that America will ever seek the ways of peace, and, by her example at home and throughout the world, hasten the return of goodwill among men.

This is a particularly appropriate time to remember with respect and affection our sick and disabled veterans. I urge their families and friends to visit with them and reassure them of their country's enduring gratitude.

I call upon the press, radio and television and other media of public information to participate in this observance to help realize the full purpose and meaning of this important commemoration.

I ask that Federal, State and local government officials arrange for the display of the flag of the United States on this day, and encourage the public's involvement in appropriate ceremonies throughout our land.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4689 of September 19, 1979

National Meals on Wheels Week, 1979

By the President of the United States of America

A Proclamation

This year marks the twenty-fifth anniversary of the Meals on Wheels programs which make nutritious food available to aged and ailing persons in their homes. Since 1954, thousands of volunteers in these programs have made it possible for many of the Nation's elderly to reside at home rather than in institutions and to live healthier, happier and more independent lives.

Ante, p. 413.

In recognition of the outstanding contributions of these volunteers, the Congress, by House Joint Resolution 367, has designated the week beginning September 16, 1979, as National Meals on Wheels Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of September 16 through September 22, 1979, as National Meals on Wheels Week.

In accord with the congressional resolution, I invite the Governors of the several States, the chief officials of local governments and the people of the United States to observe this period with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4690 of September 19, 1979

National Day of Prayer, 1979

By the President of the United States of America

A Proclamation

The history of our country is a history of triumph over adversity. Time after time, we have overcome threats from within and without. Over the generations, wars, depressions, and internal differences and bigotry in various forms have struck at the foundations of our society. As we have met these challenges together, the bonds between us as Americans have grown stronger.

We endure and remain a land of hope because of the basic goodness and strength of our people and because the God of us all has shown us His favor.

The decisions we make today on arms, economics, social justice and global responsibilities echo into the future of the world. We accept our responsibilities and make our choices with all the will and determination at our command, but always in the full knowledge that we are finally in the hands of God. In the words of the prophet Zechariah, "Not by might, not by power but by my spirit saith the Lord of Hosts." (4:6)

Recognizing this, the Congress by joint resolution approved April 17, 1952 (36 U.S.C. 185; 66 Stat. 64) has called upon the President to set aside a suitable day each year as a National Day of Prayer. 36 USC 169h.

NOW, THEREFORE, I JIMMY CARTER, President of the United States of America, do hereby proclaim Wednesday, October 3, 1979, as a National Day of Prayer. I ask all Americans to join with me on that day to recommit ourselves to God, to each other and to the towering ideals of truth, justice, fairness, brotherhood, and love which our Nation has cherished and protected. Let us pray for the will and wisdom to create a world in which all people can live with each other in peace. Let us pray that careful stewardship of today's opportunities will protect and enlarge the inheritance of liberty and security we give our children.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4691 of September 20, 1979

National School Lunch Week, 1979

By the President of the United States of America

A Proclamation

Active, growing youngsters need good food to do well in school. And since the eating habits established in childhood affect later tastes and practices, school meals also provide a unique opportunity to understand and enjoy good nutrition. The National School Lunch Program, established in 1946, now provides nourishing lunches to 26 million school children each school day. The United States Department of Agriculture sets nutritional standards to these meals but the quality and appeal of school lunches depend on another vital ingredient: people who care.

Therefore, I want to pay special tribute to the thousands of people—parents, teachers, principals, school food service workers, State and local officials—who make the school lunch program work in 94,000 schools across the country. They determine whether the cafeteria is a pleasant and welcoming place, whether the food served is actually eaten, whether children come to think of good nutrition as punishment or pleasure.

In recognition of the School Lunch Program's contribution to America's youth, the Congress, by a joint resolution of October 9, 1962 (76 Stat. 779; 36 U.S.C. 168), has designated the week beginning the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to observe the week of October 14, 1979, as National School Lunch Week and give special attention to activities that will promote good nutrition for America's youth.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4692 of September 20, 1979

American Education Week, 1979

By the President of the United States of America

A Proclamation

Our nation has come a long way toward realizing the Founders' dream of having an educated electorate, so that all our people might share fully in freedom, justice and opportunity. In this International Year of the Child, as we join with other nations to understand and meet the needs of children around the world, we are especially aware of the importance of education.

The theme of this year's American Education Week, "Teach All the Children", acknowledges both our goal and what must be done to accomplish it. The responsibility for educating our children lies not just with the schools, but with parents and communities as well.

Every American has a responsibility to make sure that our children do not merely pass through school systems, but actually receive the education they need. To do that, we must find ways to reach every child—regardless of race, sex, religion, national origin or economic background, and responding to particular needs because of physical or mental handicaps or special talents. We must respect and nourish each child's unique potential.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning November 11, 1979, as American Education Week.

I ask for the support of every American in helping to create challenging educational opportunities that will help develop the diverse abilities of children, and to help nurture in each a sense of excellence and respect for all mankind.

I urge individuals and groups to work with schools in their communities to ensure that they are able to "Teach All the Children" well.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of September, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4693 of September 28, 1979

Thanksgiving Day, 1979

By the President of the United States of America

A Proclamation

Thanksgiving Day was first celebrated in this land not in a moment of unbridled triumph, but in times of great adversity. The colonies of Massachusetts and Virginia had few material possessions to help them face the dangers of the wilderness. They had no certainty that the harvests for which they gave thanks would be sufficient to carry them through a long winter. Yet they gave thanks to God for what they had and for the hope of this new land.

In the darkest hour of the American Revolution, when the young Republic faced defeat by the strongest military power on Earth, our forefathers also saw fit to give thanks for their blessings. In the midst of a devastating Civil War, President Lincoln proclaimed a day to express gratitude for our "singular deliverances and blessings."

The ensuing years have multiplied our nation's blessings. We have been delivered from repeated perils, and we have been blessed with abundance beyond the imaginings of those who offered thanks in the chill of approaching winter more than three-and-one-half centuries ago.

Succeeding generations have broadened the freedom they cherished and the opportunity they sought, and built a mighty nation on the strong foundations they laid. In this two hundred and fourth year of our independence, we have good reasons for gratitude: for liberty in a world where repression is common, for peace in a world of threats and terror and war, for a bounteous harvest in a world where hunger and despair still stalk much of mankind.

Like those who came before us, we come to give thanks for our singular deliverances and blessings, in a time of both danger and great promise. May we be thankful in proportion to that which we have received, trusting not in our wealth and comforts, but in the strength of our purpose, that all nations might be similarly blessed with liberty and abundance and live in peace.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do proclaim Thursday, the 22nd of November, 1979 as Thanksgiving Day. I ask all Americans to give thanks on that day for the blessings Almighty God has bestowed upon us, and seek to be good stewards of what we have received.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4694 of September 29, 1979

Staged Reduction of Rates of Duty on Certain Products To Carry Out a Trade Agreement With Argentina

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 101(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)), that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes of the Trade Act would be promoted by entering into the trade agreement with Argentina identified in the third recital of this proclamation.

2. Sections 131(a), 132, and 133 of the Trade Act (19 U.S.C. 2151(a), 2153, and 2154) and section 4(c) of Executive Order No. 11846 of March 27, 1975, have been complied with. 19 USC 2151, 2152, 2153. 19 USC 2111 note.

3. Pursuant to Title I of the Trade Act (19 U.S.C. 2111 *et seq.*), I have, through my duly empowered representative, on August 10, 1979, entered into a trade agreement with Argentina, effective October 1, 1979, pursuant to which United States rates of duty on certain products would be modified as hereinafter proclaimed and as provided for in the annexes to this proclamation, in exchange for certain measures which will benefit United States interests.

4. In order to implement the trade agreement referred to in the third recital of this proclamation it is necessary to modify the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) as provided for in the annexes to this proclamation, attached hereto and made a part hereof.

5. Pursuant to the Trade Act, I determine that the modifications or continuance of existing duties hereinafter proclaimed are required or appropriate to carry out the trade agreement identified in the third recital of this proclamation. 19 USC 2101.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 101, 105, 109, and 604 of the Trade Act (19 U.S.C. 2111, 2115, 2119, and 2483), do proclaim that—

(1) Part 2B and part 5A of schedule 1 of the TSUS are modified as provided in Annexes I and II to this proclamation. 19 USC 1202.

(2) Each of the modifications to the TSUS made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after October 1, 1979. 19 USC 1202.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord, nineteen hundred and seventy-nine and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

ANNEX I

Notes:

1. A rate of duty specifically set forth in this annex which does not reflect a concession granted in the trade agreement with Argentina is enclosed in brackets. Additional bracket matter is included to assist in the understanding of proclaimed modifications.

2. The items and superior descriptions in this annex are set forth in columnar form, and material in such columns is inserted in the columns designated, "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively, in the TSUS.

Subject to the above notes and to the insertion, as indicated herein, of the appropriate rates of duty set forth in Annex II to this proclamation, the TSUS are modified as follows:

Part 5A of schedule 1 of the TSUS is modified by redesignating item 121.60 as "121.64" and by deleting item 121.59 and substituting the following new items in lieu thereof:

	(Leather . . .:)		
	(Other:)		
	(Other:)		
	(Not . . .:)		
	"Other:		
121.61	Bovine	(See Annex II)	(25% ad val.)
121.63	Other	(5% ad val.)	(25% ad val.) "

ANNEX II

Staged-rate Modifications of the Tariff Schedules of the United States

Each rate in the following table, for an item in the Tariff Schedules of the United States (TSUS) identified therein, is inserted in column numbered 1 in such item, effective for articles provided for therein which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of the column in which such rate is set forth and, except for rates in the final column, such rate shall be superseded by the rate for that item in the immediately following column, effective for articles which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of such latter column:

Item in TSUS as modified by Annex I	Rates of duty, effective on and after October 1—		
	1979	1980	1981
107.46	4.5% ad val.	3% ad val.	3% ad val.
121.61	2% ad val.	1% ad val.	Free

Proclamation 4695 of October 6, 1979

National Port Week, 1979

By the President of the United States of America

A Proclamation

Virtually every major metropolitan region of the United States centers around a port, or is closely linked by rail or highway to a port. As waterborne trade in the United States approaches 2 billion tons of cargo per year, the rippling economic effects of expanding port activities will continue to generate employment, revenues, and community development.

Local control and administration of our Nation's port system has fostered the development of some 170 commercial seaports and numerous inland ports on our navigable inland waterways. As the world's leading trading country, the United States depends upon local port expenditures, modernizations and expansions to accommodate expected growth in trade and improvements in transportation technology. But the benefits extend to the national economy, as well as to local communities.

Since 1946, local port agencies have invested more than $5 billion to construct and modernize our pier and wharf facilities. These local public expenditures have essentially been matched by the investments of private marine terminal owners, while the Federal Government helps provide channel and navigation improvements. For the years 1973–1978, these local port expenditures reached $1.8 billion. Projections for the next five years total an estimated $3 billion. These local investments are the vital streams of our foreign and domestic waterborne commerce.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in order to remind Americans of the importance of the port industry of the United States to our national life, do hereby designate the seven calendar days beginning October 7, 1979, as National Port Week. I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the Unites States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4696 of October 22, 1979

National Farm-City Week, 1979

By the President of the United States of America

A Proclamation

All too often we take for granted the close working relationship between our farms and cities. On this 25th anniversary of National Farm-City Week, we can again reflect with pride on this unique interdependence.

It is a crucial interdependence that requires our constant attention. It determines whether our food and fiber supply will meet the needs of our citizens, our trading partners and our international humanitarian commitments. In short, it determines our future.

National Farm-City Week is a time for our rededication to cooperation, so we as a Nation can successfully meet the challenges that lie before us.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the period, November 16 through November 22, 1979, as National Farm-City Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of October, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4697 of October 23, 1979

Agreement on Trade Relations Between the United States of America and the People's Republic of China

By the President of the United States of America

A Proclamation

As President of the United States of America, acting through my representatives, I entered into the negotiation of an agreement on trade relations between the United States of America and the People's Republic of China with representatives of the People's Republic of China;

19 USC 2101.

The negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978) ("the Act");

An "Agreement on Trade Relations between the United States of America and the People's Republic of China", in English and Chinese, was signed on July 7, 1979, by representatives of the two Governments, and is annexed to this Proclamation;[1]

19 USC 2435.

The Agreement conforms to the requirements relating to bilateral commercial agreements specified in section 405(b) of the Act;

Article X of the Agreement provides that it shall come into force on the date on which the Contracting Parties have exchanged notifications that each has completed the legal procedures necessary for this purpose; and

Section 405(c) of the Act provides that a bilateral commercial agreement and a proclamation implementing such agreement shall take effect only if approved by the Congress;

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, proclaim as follows:

(1) This Proclamation shall become effective, said Agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the People's Republic of China in accordance with the terms of the said Agreement, on the date on which the Contracting Parties have exchanged notifications that each has completed the legal procedures necessary for this purpose in accordance with Article X of the said Agreement.

Publication in Federal Register.
19 USC 1202.

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "China (any part of which may be under Communist domination or control)" and "Tibet" as of the effective date of this proclamation and a notice thereof shall be published in the **Federal Register** promptly thereafter.

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[1] Filed with the Office of the Federal Register as part of the original document.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: For the texts of the President's message to Congress, letter to the Speaker of the House and President of the Senate, and Memorandums for the Secretary of State, dated Oct. 23, 1979, concerning the U.S.-People's Republic of China trade agreement, see the Weekly Compilation of Presidential Documents (vol. 15, pp. 1999–2006).

Proclamation 4698 of November 2, 1979

Will Rogers Day, 1979

By the President of the United States of America

A Proclamation

November 4, 1979, is the one hundredth anniversary of the birth of America's leading philosopher-humorist, Will Rogers.

His commentary on people and events in public life amused us all—and made us a little wiser, too. He judged people with penetrating insight, but with kindness and affection.

He once said, "I never tell jokes. I just watch the government and report the facts." The wit and the wisdom exemplified by that comment made this Nation a better place in which to live.

In recognition of his contribution to the enrichment of our lives, the Ninety-Sixth Congress, by House Joint Resolution 3, has requested the President to designate November 4, 1979, as Will Rogers Day. *Ante*, p. 732.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Sunday, November 4, 1979, as Will Rogers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4699 of November 2, 1979

Wright Brothers Day, 1979

By the President of the United States of America

A Proclamation

The age of aviation began on December 17, 1903, near Kitty Hawk, North Carolina, when two bicycle makers, Wilbur and Orville Wright, made the first successful flight in an airplane. This achievement brought little acclaim to the Wright Brothers at the time. Today, however, we know it as one of the most important events in our modern world.

The spirit of the Wright Brothers lives on. The same American ingenuity and persistence has recently been displayed again in the first successful man-powered flight across the English Channel. In June of this year, Bryan Allen pedaled for almost three hours to propel the Gossamer Albatross, a 60-pound polyester-bodied aircraft designed by Paul MacCready, a distance of 22 miles.

The same spirit has led to the phenomenal development of aviation since the Wright Brothers' first successful flight 76 years ago. Aviation is one of the most important industries in America today, both for jobs and services provided. United States aircraft manufacturers currently have orders for over 1,000 jet transports, and scheduled traffic for United States domestic and international flights this year will exceed 300 million passengers for the first time.

To commemorate the historic achievements of the Wright Brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue a proclamation annually inviting people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon the people of this Nation, and their local and national governmental officials, to observe Wright Brothers Day, December 17, 1979, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright Brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4700 of November 2, 1979

Aid for Kampucheans

By the President of the United States of America

A Proclamation

Thirty-seven years ago, a holocaust began that was to take the lives of more than six million human beings. The world stood by silently, in a moral lapse whose enormity still numbs the human mind.

We now face, once again, the threat of avoidable death and suffering for literally millions of people, and this time we must act swiftly to save the men, women, and children who are our brothers and sisters in God's family.

The International Committee of the Red Cross and the United Nations' Children's Fund recently appealed jointly for $111 million in aid to help the millions of Kampucheans, formerly known as Cambodians, who are facing death from starvation during the next six months. We must respond to this appeal, and we must also respond to the related needs for food, medicine, and shelter for Kampuchean refugees who are fleeing to Thailand.

A major program has been launched by the American government to support this relief effort, but it is too important to be left to the government alone. I am certain that the American people, as individuals and families, through churches, schools, voluntary organizations, and businesses, will want to be part of this emergency humanitarian response to a desperate and terrible need.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon all Americans to give generously to the voluntary relief agency of their choice to alleviate this terrible suffering, asking specifically that the donation be earmarked for Kampuchean relief. Further, I hereby designate each Saturday and Sunday in November until Thanksgiving as days for Americans in their synagogues, churches, and other places of worship to donate to this cause, and I call upon leaders of the religious community to take whatever measures are needed to publicize and facilitate these donations.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4701 of November 6, 1979

Census 1980

By the President of the United States of America

A Proclamation

USC prec. title 1.

Our Constitution requires that there be a census of the people in the United States once every ten years. The Twentieth Decennial Census will be taken beginning April 1, 1980.

It is vitally important to everyone that this census be a complete and accurate report of the Nation's population and resources. Its results determine the representation of the States in the House of Representatives, the redrawing of congressional boundaries, and State and local redistricting. They also provide the basis for distributing large amounts of funds under various Federal programs among the States and communities.

The census is also important for a broader purpose. Americans are a free and mobile people. Significant and rapid changes take place in our country. To better understand ourselves and make intelligent decisions for the future, we depend greatly on our census.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby declare and make known that under the law it is the duty of every person to participate in the census by answering all questions in the census schedule applying to him or her and the family to which he or she belongs, and to the home being occupied.

Every person in the United States can be sure that there will be no improper use of the information given in the census. Answers cannot be released in any way which will harm the individual. By law individual information collected will not be used for purposes of taxation, investigation, or regulation, or in connection with military or jury service, the compulsion of school attendance, the regulation of immigration, or with the enforcement of any national, State, or local law or ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4702 of November 12, 1979

Imports of Petroleum and Petroleum Products

By the President of the United States of America

A Proclamation

The Secretary of the Treasury in a memorandum dated November 12, 1979, and the Secretary of Energy in consultation with the Secretaries of State and Defense, have informed me that recent developments in Iran have exacerbated the threat to the national security posed by imports of petroleum and petroleum products. Those developments underscore the threat to our national security which results from our reliance on Iran as a source of crude oil. The Secretaries have recommended that I take steps immediately to eliminate the dependence of the United States on Iran as a source of crude oil.

I agree with these recommendations and that the changes proposed are consistent with the purposes of Proclamation 3279, as amended.

19 USC 1862 note.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, (19 U.S.C. 1862) do hereby proclaim that:

Section 1. Section 1 of Proclamation 3279, as amended, is further amended by the addition of a new paragraph (e) to read as follows:

19 USC 1862 note.

Sec. 1(e). Notwithstanding any other provision of this Proclamation, no crude oil produced in Iran (except crude oil loaded aboard maritime vessels prior to November 13, 1979) or unfinished oil or finished products refined in possessions or free trade zones of the United States from such crude oil, may be entered into the customs territory of the United States.

Sec. 2. Section 11 of Proclamation No. 3279, as amended, is further amended in paragraph (1) to read as follows:

(1) The term "imports", when applied to crude oil other than that produced in Iran, includes both entry for consumption and withdrawal from warehouse for consumption, but excludes unfinished oil and finished products processed in the United States territories and foreign trade zones from crude oil produced in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of November, in the year of our Lord nineteen hundred and seventy-nine and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: The President's remarks of Nov. 12, 1979, on oil imports from Iran, are printed in the Weekly Compilation of Presidential Documents (Vol. 15, p. 2107).

Proclamation 4703 of November 16, 1979

National Family Week, 1979

By the President of the United States of America

A Proclamation

We are a nation of families. This country was settled and built by families of all kinds. A source of strength in our past, families are America's hope for the future. All families are important, but the extended family, the foster family and the adoptive family play a special role by relieving the isolation of those who lack the comfort of a loving nuclear family.

Families are the most universal and enduring element in human existence. A family is a reservoir of shared experiences, shared joys and sorrows and, most of all, shared love that spans generations and distances.

As we come together at this Thanksgiving season, we gather with our families to express our gratitude. Our family circles expand to welcome and include others in the warmth of the holiday season. It is a time for all of us to cherish those we love and to celebrate family life.

We must continue this attention to families all year round, however. Through the coming White House Conference on Families, our new Office on Families, and through new approaches that would encourage more adoptive and foster parents, governments and citizens together can learn to become better family advocates of the American family. We must nurture the family as it has nurtured us.

Ante, p. 856.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in accordance with a joint resolution of Congress, do hereby proclaim the week of November 18, 1979, as National Family Week and call upon all the American people to observe this week with appropriate activities in their homes and communities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4704 of November 26, 1979

National Child Abuse Prevention Month, 1979

By the President of the United States of America

A Proclamation

America's children are our most precious resource, and in this final month of the International Year of the Child I urge all Americans to consider what they can do to prevent child abuse and neglect.

The needs of children are best met in families where provisions can be made for the special needs and limitations of all family members. Even loving parents sometimes fail to provide adequate supervision, or find themselves in situations where needs are not met or emotions are difficult to control.

I urge communities and helping organizations to work with families to alleviate conditions that result in the abuse and neglect of children. I especially urge all those who feel unable to cope with problems to seek out help.

Our Nation's children are our Nation's future. We all share in the responsibility for making sure they grow up in a healthful environment. I appeal to public agencies, private organizations and the business community to support needed social, educational and health services in their communities to strengthen families during the critical child-rearing years.

Working together, with sensitivity and concern, we can reduce the incidence and lifelong damage of child abuse.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of December, 1979, as National Child Abuse Prevention Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4705 of December 6, 1979

Bill of Rights Day

Human Rights Day and Week, 1979

By the President of the United States of America

A Proclamation

On December 15, 1791, the Bill of Rights became part of the Constitution of the United States. On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. In marking these anniversaries, we renew our dedication both to our own liberties and to the promotion of human rights everywhere on earth.

USC prec. title 1.

In our open society, a freely elected government, an independent judiciary, a free and vigorous press, and the vigilance of our citizens combine to protect our rights and liberties—civil, political, economic and social.

We can be proud of what we have achieved so far. Yet we cannot rest satisfied until the Bill of Rights is a living reality for every person in the United States. The Equal Rights Amendment would help do that by explicitly guaranteeing the basic rights of American women. I urge every state that has not yet done so to ratify this wise and necessary measure in the coming year.

The Universal Declaration of Human Rights sets global standards that reflect the same vision that inspired our own Bill of Rights. Almost every country has endorsed the Declaration. Yet in too much of the world its promise is mocked.

Arbitrary arrest and imprisonment, summary executions and torture, disappearances and acts of genocide still shatter the lives of millions. Fundamental human liberties are continually threatened by the silencing of political dissenters, by discrimination based on race, religion, ethnic origin and sex, by violations of the freedoms of assembly, association, expression and movement, and by the suppression of trade unions. And as the kidnapping and abuse of American Embassy employees in Iran have reminded us, the internationally protected rights of diplomatic envoys are a basic condition of civilized relations among nations.

Those who cause others anguish—whether they are the secret police of dictators, the faceless bureaucrats of totalitarian states or the chanting mobs of revolutionary zealots—must know that we will not defend them, but their victims.

Bill of Rights Day and Human Rights Day and Week should be marked by redoubled support for international efforts on behalf of the full range of human rights.

I renew my request to the Senate to give its advice and consent to the Genocide Convention, the Convention on the Elimination of all Forms of Racial Discrimination, the Convenant on Civil and Political Rights, the Convenant on Economic, Social and Cultural Rights, and the American Convention on Human Rights. I commend the Senate Foreign Relations Committee for holding hearings on these treaties, and I urge all Americans to support their ratification.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim December 10, 1979, as Human Rights Day and December 15, 1979, as Bill of Rights Day, and call on all Americans to observe Human Rights Week beginning December 10, 1979. Let us rededicate ourselves to promoting the ideals embodied in the Bill of Rights and the Universal Declaration so that, one day, they will be enjoyed by all peoples of the world.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4706 of December 7, 1979

Scouting Recognition Week, 1979

By the President of the United States of America

A Proclamation

Scouting teaches boys and girls self-reliance, physical fitness and good citizenship. It fosters character development and nurtures a love and understanding of nature and of other people.

Scouting has a long and proud tradition of service and leadership training. Many of our Nation's most accomplished men and women in every field of endeavor are former Scouts, and cite Scouting as one of their most important early experiences.

Through the years Scouts have broadened their activities to meet the changing needs of young Americans and help them prepare for useful and rewarding lives.

In recent years Scouts have been particularly active in promoting energy awareness and conservation, and are continuing this important effort. They are also planning activities designed to aid in taking an accurate census next year.

Ante, p. 1060.

By House Joint Resolution 448, the Congress has designated the week of December 3 through December 9, 1979 as "Scouting Recognition Week."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon all Americans to recognize the contributions of Scouting and to support Scouting programs in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of December, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4707 of December 11, 1979

Proclamation To Carry Out the Geneva (1979) Protocol to the General Agreement on Tariffs and Trade and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to Section 101(a) of the Trade Act of 1974 (19 U.S.C. 2111(a)), I determined that certain existing duties and other import restrictions of the United States and of foreign countries were unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes stated in Section 2 of the Trade Act of 1974 (19 U.S.C. 2102) would be promoted by entering into the trade agreements identified in the third and fourth recitals of this proclamation.

2. Sections 131, 132, 133, 134, 135, and 161(b) of the Trade Act of 1974 (19 U.S.C. 2151, 2152, 2153, 2154, 2155, and 2211(b)) and Section 4(c) of Executive Order No. 11846 of March 27, 1975, (3 CFR 1971-1975 Comp. 974), have been complied with. 19 USC 2111 note.

3. Pursuant to Section 101(a)(1) of the Trade Act of 1974 (19 U.S.C. 2111(a)(1)), I, through my duly empowered representative, (1) on July 11, 1979, entered into a trade agreement with other contracting parties to the General Agreement on Tariffs and Trade (61 Stat. (pts. 5 and 6)), as amended (the General Agreement), with countries seeking to accede to the General Agreement, and the European Economic Community, which agreement consists of the Geneva (1979) Protocol to the General Agreement, including a schedule of United States concessions annexed thereto (hereinafter referred to as "Schedule XX (Geneva-1979)"), a copy of which Geneva (1979) Protocol (including Schedule XX (Geneva-1979) annexed thereto) is annexed to this proclamation as Part 1 of Annex I, (2) on November 18, 1978, entered into a trade agreement with the Hungarian People's Republic, including a schedule of United States concessions annexed thereto, a copy of which agreement, and schedule, is annexed to this proclamation as Part 2 of Annex I, (3) on October 31, 1979, entered into a trade agreement with the United Mexican States, which agreement consists of an exchange of letters, one enclosing a schedule of United States concessions, a copy of which exchange of letters, including such enclosed schedule, is annexed to this proclamation as Part 3 of Annex I, and (4) on March 2, 1979, entered into a trade agreement with the Socialist Republic of Romania, which agreement consists of an exchange of letters, one enclosing a schedule of United States concessions, a copy of which exchange of letters, including such enclosed schedule, is annexed to this proclamation as Part 4 of Annex I; and on October 24, 1979, the American Institute in Taiwan entered into a trade agreement with the Coordination Council for North American Affairs (see the Taiwan Relations Act, Sections 4(b)(1), 6(a)(1), and 10(a), 93 Stat. 15, 17, and 18, E.O. 12143, sections 1-203 and 1-204, 44 Fed. Reg. 37191), which agreement consists of an exchenge of letters, one enclosing a schedule of

the United States concessions, a copy of which exchange of letters, including such enclosed schedule, is annexed to this proclamation as Part 5 of Annex I.

4. Pursuant to Section 102 of the Trade Act of 1974 (19 U.S.C. 2112), I have determined that barriers to (and other distortions of) international trade were unduly burdening and restricting the foreign trade of the United States, and, through the Special Representative for Trade Negotiations (the Special Representative), I have consulted with the appropriate Committees of the Congress, notified the House of Representatives and the Senate of my intention to enter into the agreements identified in Section 2(c) of the Trade Agreements Act of 1979 (93 Stat. 148), transmitted to the Congress copies of such agreements (a copy of one of which agreements, with the Hungarian People's Republic, is annexed to this proclamation as Part 6 of Annex I), together with a draft of an implementing bill and a statement of administrative action, and such implementing bill, approving the agreements and the proposed administrative action, has been enacted into law (Section 2(a) of the Trade Agreements Act of 1979 (93 Stat. 147)).

5. (a) Pursuant to Section 502 of the Trade Agreements Act of 1979 (93 Stat. 251), I have determined that appropriate concessions have been received from foreign countries under trade agreements entered into under Title I of the Trade Act of 1974 (19 U.S.C. 2111 *et seq.*);

(b) Pursuant to Section 601(a) of the Trade Agreements Act of 1979 (93 Stat. 267), I have determined that duty-free treatment for certain articles now classified in the items of the Tariff Schedules of the United States (19 U.S.C. 1202) (TSUS) listed in, and certified pursuant to, Section 601(a)(2) of that Act (93 Stat. 267), will provide treatment comparable to that provided by foreign countries under the Agreement on Trade in Civil Aircraft;

(c) Pursuant to Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), I have determined, after providing interested parties an opportunity to comment, that each article identified in Annex IV to this proclamation is not import sensitive;

(d) Pursuant to Section 855(a) of the Trade Agreements Act of 1979 (93 Stat. 295), I have determined that adequate reciprocal concessions have been received, under trade agreements entered into under the Trade Act of 1974, for the application of the rate of duty appearing in rate column numbered 1 on January 1, 1979, for the comparable item on a proof gallon basis in the case of alcoholic beverages classified in all items in subpart D of part 12 of schedule 1 of the TSUS, except items 168.09, 168.12, 168.43, 168.77, 168.81, 168.87, and 168.95;

(e) Pursuant to Section 2(b)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 147), I have determined that obligations substantially the same as those applicable to developing countries set forth in the agreements listed in Section 2(c)(1), (2), (3), (4), and (5) of that Act (93 Stat. 148) will be observed in Taiwan.

6. Each modification of existing duty proclaimed herein which provides with respect to an article for a decrease in duty below the limitation specified in Sections 101(b)(1) or 109(a) of the Trade Act of 1974 (19 U.S.C. 2111(b)(1) or 2119(a)), and each modification of any other import restriction or tariff provision so proclaimed is authorized by one or more of the following provisions or statutes:

(a) Section 101(b)(2) of the Trade Act of 1974 (19 U.S.C. 2111(b)(2)), by virtue of the fact that the rate of duty existing on January 1, 1975, applicable to the article was not more than 5 percent ad valorem (or ad valorem equivalent);

(b) Section 109(b) of the Trade Act of 1974 (19 U.S.C. 2119(b)), by virtue of the fact that I have determined, pursuant to that section, that the decrease authorized by that section will simplify the computation of the amount of duty imposed with respect to the article:

(c) Sections 503(a)(2)(A) and 503(a)(3) to (6) of the Trade Agreements Act of 1979 (93 Stat. 251 and 252) by virtue of the fact that they permit departures from the staging provisions of Section 109(a) of the Trade Act of 1974 (19 U.S.C. 2119(a));

(d) Sections 502(a), 855(a), and 601(a) of the Trade Agreements Act of 1979 (93 Stat. 251, 295, and 267) by virtue of the authority in such sections for specified concessions based on reciprocity, but in the case of the last such section only after the conditions for acceptance of the Agreement on Trade in Civil Aircraft, identified in Section 2(c)(10) of that Act (93 Stat. 148), are fulfilled;

(e) Sections 505 through 513, inclusive, of the Trade Agreements Act of 1979 (93 Stat. 252–257) by virtue of the fact that they permit exceeding the limitations specified in Sections 101 or 109 of the Trade Act of 1974 (19 U.S.C. 2111 or 2119);

(f) Section 255 of the Trade Expansion Act of 1962 (19 U.S.C. 1885) by virtue of the fact that it permits termination of proclamations issued pursuant to authority contained in that act;

(g) Section 2(a) of the Trade Agreements Act of 1979 (93 Stat. 147) by virtue of its approval of the agreements identified in Section 2(c) of that Act (93 Stat. 148); and

(h) Section 304(a)(3)(J) of the Tariff Act of 1930 (19 U.S.C. 1304(a)(3)(J)) and Section 602(f) of the Trade Act of 1974 (19 U.S.C. 2101 note), by virtue of the fact that I have found that the effectiveness of the proviso to Section 304(a)(3)(J) with respect to the marking of articles provided for in headnote 2 of part 1 of schedule 2 of the TSUS is required or appropriate to carry out the first agreement identified in the third recital of this proclamation.

19 USC 1202.

7. In the case of each decrease in duty, including those of the type specified in clause (a) and (b) of the sixth recital of this proclamation, which involves the determination of the ad valorem equivalent of a specific or compound rate of duty, and in the case of each modification in the form of an import duty, the United States International Trade Commission determined, pursuant to Section 601(4) of the Trade Act of 1974 (19 U.S.C. 2481(4)) in accordance with Section 4(e) of Executive Order No. 11846 of March 27, 1975 (3 CFR 1971–1975 Comp. 973), and at my direction, the ad valorem equivalent of the specific or compound rate, on the basis of the value of imports of the article concerned during a period determined by it to be representative, utilizing, to the extent practicable, the standards of valuation contained in Sections 402 and 402a of the Tariff Act of 1930 (19 U.S.C. 1401a and 1402) applicable to the article during such representative period.

19 USC 2111 note.

8. Pursuant to the Trade Act of 1974 and the Trade Agreements Act of 1979, I determine that the modification or continuance of existing duties or other import restrictions or the continuance of existing duty-free or excise treatment hereinafter proclaimed is required or appropriate to carry out the trade agreements identified in the third recital of this proclamation or one or more of the trade agreements identified in Section 2(c) of the Trade Agreements Act of 1979 (93 Stat. 148).

19 USC 2101, *ante*, p. 144.

9. Following unsatisfactory negotiations with the European Economic Community under Articles XXIV:6 and XXVIII of the General Agreement regarding the maintenance by the European Economic Community of unreasonable import restrictions upon imports of poultry from the United States, the

61 Stat. A66; A71.

President, by Proclamation 3564 of December 4, 1963 (77 Stat. 1035), suspended certain United States tariff concessions; as a result of the reciprocal concessions contained in the Geneva (1979) Protocol to the General Agreement, I determine that the termination of such suspension of tariff concessions contained in Proclamation 3564 (except those applicable to automobile trucks valued at $1,000 or more (provided for in TSUS item 692.02)) is required to carry out the General Agreement.

61 Stat. A3.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including but not limited to Title I and Section 604 of the Trade Act of 1974, Section 2 and Titles V, VI, and VIII of the Trade Agreements Act of 1979, Section 255 of the Trade Expansion Act of 1962, and Section 301 of Title 3 of the United States Code, do proclaim that:

USC prec. title 1.
19 USC 2111, 2483.
Ante, p. 147, 250, 267, 273.
19 USC 1885.

(1) At the close of December 31, 1979, the suspension of tariff concessions contained in Proclamation 3564 (except those applicable to automobile trucks valued at $1,000 or more (provided for in TSUS item 692.02)) shall terminate.

77 Stat. 1035.

(2) The amendment to Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) provided for in Section 601(a)(3) of the Trade Agreements Act of 1979 (93 Stat. 268) shall be effective with respect to entries made under Section 466 on and after the date designated by the President under paragraph 5(b) of this proclamation.

(3) The rate of duty applicable to each item as to which the determination has been made in recital 5(d) is the rate of duty appearing in rate column numbered 1 on January 1, 1979, for the comparable item on a proof gallon basis or such rate as reduced under Section 101 of the Trade Act of 1974 (19 U.S.C. 2111).

61 Stat. A3.

(4) Subject to the provisions of the General Agreement, of the Geneva (1979) Protocol, of other agreements supplemental to the General Agreement, of the other agreements identified in recitals 3 and 4, and of United States law (including but not limited to provisions for more favorable treatment), the modification or continuance of existing duties or other import restrictions and the continuance of existing duty-free or excise treatment provided for in Schedule XX (Geneva-1979) (except those provided for in the items listed in Parts 1C, 1D, 2D, 2E, 2K, 3C, 3D, 4C, and 4D of Annex I to Schedule XX which are required to implement the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, and those provided for in Section 1, Chapter 4, Unit C, Note 2 (cheese quotas), and in Section 1, Chapter 10, Unit B, Note 2 (chocolate quotas), all of which will be the subject of one or more separate proclamations), in the agreements identified in the third and fourth recitals of this proclamation, and in trade agreements legislation, shall become effective on or after January 1, 1980, as provided for herein.

61 Stat. A25.

(5) To this end—

(a) Except as provided for in subparagraph (b), the modifications to the TSUS made by Annex II, Section A of Annex III, and Sections B(1) through (4) of Annex IV of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after the effective dates specified in those annexes;

19 USC 1202.

(b) The modifications provided for in Section A of Annex II to this proclamation which are authorized by Section 601(a) of the Trade Agreements Act of 1979 (93 Stat. 267) shall apply to articles entered, or withdrawn from warehouse, for consumption on and after the date designated by the President when he determines that the requirements of Section 2(b) of the Trade

Agreements Act of 1979 (93 Stat. 147) have been met with respect to the Agreement on Trade in Civil Aircraft;

Publication in Federal Register.

(c) The Special Representative shall make any determinations relevant to the designation of the effective dates of the modifications of the TSUS made by Sections B through G of Annex III, and Sections B (5) through (10) of Annex IV of this proclamation, and shall publish in the **Federal Register** the effective date with respect to each of the modifications made by these sections; such modifications shall apply to articles entered, or withdrawn from warehouse, for consumption on and after such effective date;

(d) The modifications to the TSUS made by Section C of Annex IV to this proclamation, relating to special treatment for the least developed developing countries (LDDC's), shall be effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after the effective dates as provided for in Section B of Annex IV; whenever the rate of duty specified in the column numbered 1 for any TSUS item is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, the rate of duty in the column entitled "LDDC" shall be deleted from the TSUS, and when the duty rates for all such items in Annex IV have been deleted, the modifications to the TSUS made by Section C of Annex IV to this proclamation shall be deleted;

(e) Section A of Annex IV shall become effective on January 1, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of December, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

ANNEX I

TEXTS OF AGREEMENTS IDENTIFIED IN THE THIRD AND FOURTH RECITALS OF THIS PROCLAMATION [1]

Part 1: Geneva (1979) Protocol to the General Agreement on Tariffs and Trade (Including Schedules of Concessions)

Part 2: Trade Agreement with the People's Republic of Hungary Entered Into on November 16, 1979

Part 3: Trade Agreement with the United Mexican States Entered Into on October 31, 1979

Part 4: Trade Agreement with the Socialist Republic of Romania Entered Into on March 2, 1979

Part 5: Trade Agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs Entered Into on October 24, 1979

Part 6: Agreement with the Hungarian People's Republic Entered Into on June 13, 1979

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[1] Not printed in the **Federal Register**. The text of the Geneva (1979) Protocol to the General Agreement in part 1 of Annex I has been printed by the Contracting Parties to the General Agreement on Tariffs and Trade in four volumes entitled Geneva (1979) Protocol to the General Agreements on Tariffs and Trade. The Agreement with the Hungarian People's Republic in part 6 of Annex I has been printed in House Document 96–153, vol. 1, p. 703. The general provisions of all the agreements in parts 1 to 6 of annex I, but not schedules of concessions by other parties, will be printed in the Customs Bulletin. The texts of all these agreements will be printed in Treaties and Other International Acts Series, and in the bound volumes of United States Treaties and Other International Agreements.

ANNEX II

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. A rate of duty specifically set forth in this Annex which does not reflect a trade agreement concession granted in Schedule XX (Geneva-1979) is enclosed in brackets. Such bracketed rates are included in this Annex in cases in which items in the Tariff Schedules of the United States are subdivided or redesignated as required or appropriate to carry out trade agreement concessions. Additional bracketed matter is included to assist in the understanding of proclaimed modifications.

2. In instances in this Annex in which one or more complete items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States, the items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns designated, "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively, in the Tariff Schedules of the United States.

Subject to the above notes and to the insertion, as indicated herein, of the appropriate rates of duty set forth in Annex III to this proclamation, the Tariff Schedules of the United States are modified as follows:

Section A. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1980[1]*:*

Schedule 1, Part 2, Subpart B

1. Item 106.20 is superseded by: (as provided in the Trade Agreements Act of 1979, Sec. 505)

	[Meats . . . :]		
" 106.22	Sheep (except lambs)	[See Annex III]	[5¢ per lb.]
106.25	Goats	[See Annex III]	[5¢ per lb.] ";

2. Item 107.60 is superseded by: (as provided in the Trade Agreements Act of 1979, Sec. 506)

[Beef . . .:]
[Other:]
"Valued over 30 cents per pound:
Prepared, whether fresh, chilled or frozen, but not otherwise preserved:
107.61 Beef specially processed into fancy cuts, special shapes, or otherwise made ready for particular uses by the retail consumer (but not ground or comminuted, diced or cut into sizes for stew meat or similar uses, or

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[1] Except that proposed headnote 3 to part 6C of schedule 6 of the TSUS and the changes provided for in this annex with respect to the following item numbers will be effective as to articles entered, or withdrawn from warehouse, for consumption on and after this date only if the President determines, in accordance with section 601(a) of the Trade Agreements Act of 1979 (93 Stat. 267), that the conditions under section 2(b) of that Act (93 Stat. 147) on acceptance of the Agreement on trade in Civil Aircraft have been fulfilled:

518.52
544.43
642.22
647.04
647.07
652.11
653.41
653.98
660.58
660.61
660.69
660.73
660.87
660.99
661.08
661.14
661.17
661.22
661.37
661.91
661.97
662.52
664.12
676.16
676.31
676.48
680.61
680.65
680.75
680.78
682.08
682.42
682.46
682.61
683.62
684.26
684.31
684.42
684.51
684.72
685.25
685.31
685.41
685.61
685.72
686.21
686.25
686.62
688.14
688.42
694.16
694.21
694.41
694.62
709.46
710.09
710.15
710.17
710.31
710.47
711.33
711.39
711.78
711.81
712.00
712.06
712.48
712.52
715.16
720.09
727.49
727.51
727.56
772.46
772.67

If such a determination is not made prior to January 1, 1980, these changes shall become effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date designated by the President after such determination has been made.

	rolled or skewered), which meets the specifications in regulations issued by the U.S. Department of Agriculture for Prime or Choice beef, and which has been so certified prior to exportation by an official of the government of the exporting country, in accordance with regulations issued by the Secretary of the Treasury after consultation with the Secretary of Agriculture	[See Annex III]	[20% ad val.]
107.62	Other	[10% ad val.]	[20% ad val.]
107.63	Other	[See Annex III]	[20% ad val.] ";

3. Item 107.75 is superseded by:

	[Other . . . :]		
	[Other:]		
	"Valued over 30 cents per pound:		
107.76	Lamb or mutton (excluding offal)	[See Annex III]	[20% ad val.]
107.78	Other	[5% ad val.]	[20% ad val.] ";

Schedule 1, Part 4, Subpart C

4. Item 117.40 is superseded by:

" 117.42	Goya cheese	[25% ad val.]	[35% ad val.]
117.44	Sbrinz cheese	[See Annex III]	[35% ad val.] ";

5. Item 117.85 is superseded by:

	[Other . . . :]		
	[Other:]		
	[Valued . . . :]		
	"Other:		
117.86	Cheese and substitutes for cheese, whether or not in original loaves, containing, or processed from Romano, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya, all the foregoing made from cow's milk	[See Annex III]	[35% ad val.]
117.88	Other	[10% ad val.]	[35% ad val.] ";

Schedule 1, Part 5, Subpart A

6. Schedule 1, part 5A is modified by adding the following new item in numerical sequence:

	[Leather . . . :]		
	[Other:]		
	[Other:]		
	[Not . . . :]		
	[Other:]		
" 121.62	Goat and kid	[See Annex III]	[25% ad val.] ";

Schedule 1, Part 6, Subpart A

7. Item 125.30 is superseded by:

	[Bulbs . . . :]			
	"Other, imported for horticultural purposes:			
125.32	With soil attached to roots	[See Annex III]	[30% ad val.]	
125.34	Other	[5.5% ad val.]	[30% ad val.]	";

8. Item 125.80 is superseded by:

	"Live plants suitable for planting, not specially provided for:			
125.82	With soil attached to roots	[See Annex III]	[25% ad val.]	
125.84	Other	[7.5% ad val.]	[25% ad val.]	";

Schedule 1, Part 7, Subpart A

9. Item 130.10 is superseded by:

	"Barley:			
130.08	For malting purposes	[See Annex III]	[20¢ per bu. of 48 lbs.]	
130.11	Other	[7.5¢ per bu. of 48 lbs.]	[20¢ per bu. of 48 lbs.]	";

10. Items 130.35 and 130.36 are superseded by:

	[Corn . . . :]			
	"Other:			
130.32	Yellow dent corn	[See Annex III]	[25¢ per bu. of 56 lbs.]	
130.37	Other	[25¢ per bu. of 56 lbs.]	[25¢ per bu. of 56 lbs.]	
130.38	If products of Cuba	[10¢ per bu. of 56 lbs. (s)]"		

[(s)=Suspended. See general headnote 3(b).];

11. Item 130.55 is superseded by:

	[Rice:]			
	"Brown (hulls removed, all or in part):			
130.56	Basmati	[0.6¢ per lb.]	[1.5¢ per lb.]	
130.58	Other	[1.5¢ per lb.]	[1.5¢ per lb.]	";

Schedule 1, Part 7, Subpart B

12. Schedule 1, Part 7B is modified by deleting items 131.21 and 131.31;

Schedule 1, Part 8, Subpart A

13. Item 135.41 is modified by deleting the rates of duty in rate columns numbered 1 and 2 and inserting in lieu thereof "1¢ per lb." and "8¢ per lb.", respectively (as provided in the Trade Agreements Act of 1979, Sec. 508);

14. Item 135.42 is modified by deleting the rates of duty in rate columns numbered 1 and 2 and inserting in lieu thereof "0.5¢ per lb." and "4¢ per lb.", respectively (as provided in the Trade Agreements Act of 1979, Sec. 508);

15. Item 136.98 is superseded by:

	[Vegetables . . . :]		
	[Peas:]		
	[If . . . :]		
	"Fresh or chilled:		
136.94	Pigeon peas	Free	[3.9¢ per lb.]

136.95	Other	[0.5¢ per lb.]	[3.9¢ per lb.]	";

16. Item 136.99 is superseded by:

[Vegetables . . . :]
[Peas:]
[If . . . :]
"Frozen:

136.96	Pigeon peas	Free	[3.9¢ per lb.]	
136.97	Other	[1¢ per lb.]	[3.9¢ per lb.]	";

17. Item 137.01 is superseded by:

[Vegetables . . . :]
[Peas:]
"Other:

137.02	Pigeon peas	[See Annex III]	[3.9¢ per lb.]	
137.04	Other	[2¢ per lb.]	[3.9¢ per lb.]	";

18. Item 137.86 is superseded by the following new items which are to be inserted in numerical sequence:

[Vegetables . . . :]
[Other:]

" 137.78	Fiddlehead ferns	[See Annex III]	[50% ad val.]	
137.82	Yams and sweet potatoes	[See Annex III]	[50% ad val.]	
137.84	Other	[25% ad val.]	[50% ad val.]	";

19. Item 138.50 is superseded by:

[Vegetables . . . :]

" 138.25	Kidney beans, frozen	[See Annex III]	[35% ad val.]	
138.30	Rutabagas	[See Annex III]	[35% ad val.]	
138.40	Other	[17.5% ad val.]	[35% ad val.]	";

Schedule 1, Part 8, Subpart B

20. Item 140.55 is superseded by:

[Vegetables . . . :]
[Dried . . . :]

" 140.54	Carrots	[See Annex III]	[35% ad val.]	
140.56	Other	[13% ad val.]	[35% ad val.]	";

Schedule 1, Part 8, Subpart C

21. Item 141.21 is deleted and items 141.79 and 141.81 are superseded by the following new items which are to be inserted in numerical sequence:

[Vegetables. . . :]
[Other:]
"Other:

141.78	Bamboo shoots in airtight containers	[See Annex III]	[35% ad val.]
141.82	Carrots in airtight containers	[See Annex III]	[35% ad val.]
141.83	Corn in airtight containers	[See Annex III]	[35% ad val.]

141.84	Kidney beans in airtight containers	[See Annex III]	[35% ad val.]
141.85	Palm hearts	[See Annex III]	[35% ad val.]
141.86	Potatoes	[See Annex III]	[35% ad val.]
141.87	Sweet ginger	[See Annex III]	[35% ad val.]
141.88	Other	[17.5% ad val.]	[35% ad val.] ";

Schedule 1, Part 9, Subpart A

22. Item 145.49 is deleted and item 145.60 is superseded by:

	[Other . . . :]		
	[Shelled . . . :]		
	[Other . . . :]		
	"Other:		
145.65	Litchi (lychee) or longan, in airtight containers	[See Annex III]	[35% ad val.]
145.70	Other	28% ad val.	[35% ad val.] ";

Schedule 1, Part 9, Subpart B

23. Items 146.66, 146.70, 146.73, and 146.75, including the superior heading thereto, are superseded by:

	[Berries . . . :]		
	"Frozen:		
146.68	Blueberries	Free	[35% ad val.]
146.69	Black currants, gooseberries, lingon or partridge berries and loganberries	[7% ad val.]	[35% ad val.]
146.71	Cranberries	[See Annex III]	[35% ad val.]
146.74	Raspberries	[See Annex III]	[35% ad val.]
146.76	Strawberries	[14% ad val.]	[35% ad val.]
146.77	Other berries	[14% ad val.]	[35% ad val.]
	Otherwise prepared or preserved:		
146.79	Blueberries	[3.5% ad val.]	[35% ad val.]
146.82	Black currants, gooseberries, lingon or partridge berries and loganberries	[7% ad val.]	[35% ad val.]
146.83	Cranberries	[See Annex III]	[35% ad val.]
146.84	Raspberries	[See Annex III]	[35% ad val.]
146.85	Strawberries	[14% ad val.]	[35% ad val.]
146.86	Other berries	[14% ad val.]	[35% ad val.] ";

24. Schedule 1, part 9B is modified by redesignating 146.80 as "146.87" and by deleting item 147.97;

25. Items 147.10 and 147.11 are superseded by:

	[Citrus . . . :]		
	[Grapefruit:]		
	"If entered during the period from August 1 to September 30, inclusive, in any year:		
147.03	Fresh	[1¢ per lb.]	[1.5¢ per lb.]

147.04	If product of Cuba	[0.3¢ per lb. (s)]	
147.05	Prepared or preserved	0.6¢ per lb.	[1.5¢ per lb.]
147.06	If product of Cuba	[0.3¢ per lb. (s)]"	

[(s)=Suspended. See general headnote 3(b).];

26. Items 147.13 and 147.14 are superseded by:

	[Citrus . . . :]		
	[Grapefruit:]		
	"If entered during the month of October:		
147.07	Fresh	[0.8¢ per lb.]	[1.5¢ per lb.]
147.08	If product of Cuba	[0.6¢ per lb. (s)]	
147.09	Prepared or preserved	0.6¢ per lb.	[1.5¢ per lb.] "

[(s)=Suspended. See general headnote 3(b).];

27. Items 147.16 and 147.17 are superseded by:

	[Citrus . . . :]		
	[Grapefruit:]		
	"If entered during the period from November 1, in any year, to the following July 31, inclusive:		
147.15	Fresh	[1.3¢ per lb.]	[1.5¢ per lb.]
147.16	If product of Cuba	[1.2¢ per lb. (s)]	
147.17	Prepared or preserved	0.6¢ per lb.	[1.5¢ per lb.] "

[(s)=Suspended. See general headnote 3(b).];

28. Item 147.40 is superseded by:

	[Dates . . . :]		
	[Fresh . . . :]		
	[With . . . :]		
	"Packed in units weighing (with the immediate container, if any) not more than 10 pounds each:		
147.38	Chiani type	[See Annex III]	[7.5¢ per lb.]
147.41	Other	[7.5¢ per lb.]	[7.5¢ per lb.] ";

29. Items 148.20, 148.21, 148.25, 148.30, and 148.31 are superseded by:

	[Melons . . . :]		
	[Fresh:]		
	"Ogen and Galia melons:		
148.19	If entered during the period from December 1, in any year, to the following May 31, inclusive	[See Annex III]	[35% ad val.]
148.22	If entered at any other time	[See Annex III]	[35% ad val.]
148.23	If product of Cuba	[14% ad val. (s)]	
148.24	Watermelons	[20% ad val.]	[35% ad val.]
148.26	If product of Cuba	[Free (s)]	
	Other melons:		
148.27	If entered during the period from December 1, in any year, to the following May 31, inclusive	[8.5% ad val.]	[35% ad val.]

148.32	If entered at any other time	[35% ad val.]	[35% ad val.]
148.33	If product of Cuba	[14% ad val. (s)]"	

[(s)=Suspended. See general headnote 3(b).];

30. Items 149.19 and 149.20 are superseded by:

	[Plums . . . :]		
	[Fresh:]		
" 149.18	If entered during the period from January 1 to May 31, inclusive, in any year	[See Annex III]	[0.5¢ per lb.] ";

31. Items 150.00 and 150.01 are superseded by:

	"Mixtures of two or more fruits, prepared or preserved:		
150.02	In airtight containers and not containing apricots, citrus fruits, peaches or pears	[See Annex III]	[35% ad val.]
150.03	If products of Cuba	[14% ad val. (s)]	
150.05	Other	[17.5% ad val.]	[35% ad val.]
150.06	If products of Cuba	[14% ad val. (s)]"	

[(s)=Suspended. See general headnote 3(b).];

Schedule 1, Part 9, Subpart D

32. Schedule 1, part 9D is modified by redesignating 154.55 as "154.53" and by inserting the following new item in numerical sequence:

	[Candied . . .]		
" 154.43	Kumquats, mangoes, plums and prunes	See Annex III	[40% ad val.] ";

Schedule 1, Part 11, Subpart B

33. Item 161.59 is superseded by:

	"Mustard, ground or prepared:		
161.58	Ground	[See Annex III]	[10¢ per lb.]
161.60	Other	[2¢ per lb.]	[10¢ per lb.] ";

Schedule 1, Part 12

34. In schedule 1, part 12, the first sentence of headnote 2 is modified to read as follows: (as provided in the Trade Agreements Act of 1979, Sec. 851)

> "The standard for determining the proof of brandy and other spirits or liquors of any kind when imported is the same as that which is defined in the laws relating to internal revenue.";

Schedule 1, Part 12, Subpart C

35. Schedule 1, part 12C, headnote 1 is modified by deleting "item 168.52" and substituting "items 168.87 and 168.89" in lieu thereof;

Schedule 1, Part 12, Subpart D

36. Items 168.05 through 168.90, inclusive, are superseded by: (as provided in the Trade Agreements Act of 1979, Sec. 852)

	"Aquavit:		
168.04	In containers each holding not over 1 gallon	42¢ per proof gal.	[$7.52 per proof gal.] [1]
168.06	In containers each holding over 1 gallon	42¢ per proof gal.	[$5.00 per proof gal.] [1]

	Arrack:		
168.09	In containers each holding not over 1 gallon	$2.28 per proof gal.	[$6.72 per proof gal.] [1]
168.11	In containers each holding over 1 gallon	$1.00 per proof gal.	[$5.00 per proof gal.] [1]
	Bitters of all kinds containing spirits:		
	Not fit for use as beverages:		
168.12	In containers each holding not over 1 gallon	$1.04 per proof gal.	[$5.56 per proof gal.] [1]
168.13	In containers each holding over 1 gallon	94¢ per proof gal.	[$5.00 per proof gal.] [1]
	[Bitters . . . :]		
	Fit for use as beverages:		
168.14	In containers each holding not over 1 gallon	50¢ per proof gal.	[$27.32 per proof gal.] [1]
168.16	In containers each holding over 1 gallon	50¢ per proof gal.	[$5.00 per proof gal.] [1]
	Brandy:		
	Pisco and singani:		
	In containers each holding not over 1 gallon:		
168.36	Valued not over $9 per gallon	[See Annex III]	[$6.72 per proof gal.] [1]
168.37	Valued over $9 per gallon	[See Annex III]	[$6.72 per proof gal.] [1]
	In containers each holding over 1 gallon:		
168.39	Valued not over $9 per gallon	[See Annex III]	[$5.00 per proof gal.] [1]
168.41	Valued over $9 per gallon	[See Annex III]	[$5.00 per proof gal.] [1]
	Other:		
	In containers each holding not over 1 gallon:		
168.43	Valued not over $9 per gallon	$3.40 per proof gal.	[$8.88 per proof gal.] [1]
168.44	Valued over $9 but not over $13 per gallon	$1.25 per proof gal.	[$8.88 per proof gal.] [1]
168.49	Valued over $13 per gallon	[See Annex III]	[$8.88 per proof gal.] [1]
	In containers each holding over 1 gallon:		
168.51	Valued not over $9 per gallon	50¢ per proof gal.	[$5.00 per proof gal.] [1]
168.53	Valued over $9 per gallon	[See Annex III]	[$5.00 per proof gal.] [1]

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[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 852.]

	Cordials, liquers, kirschwasser, and ratafia:		
168.56	In containers each holding not over 1 gallon.......	50¢ per proof gal.	[$11.64 pe proof gal.] [1]
168.58	In containers each holding over 1 gallon..............	50¢ per proof gal.	[$5.00 per proof gal.] [1]
168.60	Ethyl alcohol for beverage purposes..............................	$1.12 per proof gal.	[$5.00 per proof gal.] [1]
	Gin:		
168.62	In containers each holding not over 1 gallon.......	50¢ per proof gal.	[$7.52 per proof gal.] [1]
168.63	In containers each holding over 1 gallon..............	50¢ per proof gal.	[$5.00 per proof gal.] [1]
	Rum (including *cana paraguaya*):		
168.65	In containers each holding not over 1 gallon.......	[See Annex III]	[$7.52 per proof gal.] [1]
168.67	In containers each holding over 1 gallon..............	[See Annex III]	[$5.00 per proof gal.] [1]
	Whiskey:		
	Irish and Scotch:		
168.69	In containers each holding not over 1 gallon	[See Annex III]	[$7.52 per proof gal.] [1]
168.71	In containers each holding over 1 gallon......	[See Annex III]	[$5.00 per proof gal.] [1]
	Other:		
168.73	In containers each holding not over 1 gallon	[See Annex III]	[$7.74 per proof gal.] [1]
168.75	In containers each holding over 1 gallon......	[See Annex III]	[$5.00 per proof gal.] [1]
	Tequila:		
168.77	In containers each holding not over 1 gallon.......	$2.27 per proof gal.	[$6.35 per proof gal.] [1]
168.79	In containers each holding over 1 gallon..............	$1.25 per proof gal.	[$5.00 per proof gal.] [1]
	Vodka:		
	In containers each holding not over 1 gallon:		
168.81	Valued not over $7.75 per gallon	$2.56 per proof gal.	[$6.72 per proof gal.] [1]
168.83	Valued over $7.75 per gallon............................	[See Annex III]	[$6.73 per proof gal.] [1]
168.85	In containers each holding over 1 gallon..............	$1.25 per proof gal.	[$5.00 per proof gal.] [1]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979. Sec. 652.]

		Other spirits, and preparations in chief value of distilled spirits, fit for use as beverages or for beverage purposes:		
		Spirits:		
	168.87	In containers each holding not over 1 gallon	$2.56 per proof gal.	[$8.72 per proof gal.] [1]
	168.89	In containers each holding over 1 gallon	$1.25 per proof gal.	[$5.00 per proof gal.] [1]
		Other:		
	168.91	In containers each holding not over 1 gallon	$1.25 per proof gal.	[$15.33 per proof gal.] [1]
	168.93	In containers each holding over 1 gallon	$1.25 per proof gal.	[$5.00 per proof gal.] [1]
		Imitations of brandy and other spirituous beverages:		
	168.95	In containers each holding not over 1 gallon	$5.75 per proof gal.	[$8.88 per proof gal.] [1]
	168.97	In containers each holding over 1 gallon	$2.50 per proof gal.	[$5.00 per proof gal.] [1] ";

Schedule 1, Part 13

37. Schedule 1, part 13 is modified by deleting items 170.11 and 170.21;

Schedule 1, Part 14, Subpart A

38. Items 175.48 and 175.49 are superseded by:

"	175.50	Soybeans	Free	[2¢ per lb.] ";

Schedule 1, Part 14, Subpart D

39. Item 178.10 is superseded by:

	"Hydrogenated or hardened oils, fats, and greases; and lard substitutes whether or not containing lard:		
178.15	Rapeseed oil	[See Annex III]	[12.5% ad val.] [1]
178.20	Other	[5¢ per lb.]	[12.5% ad val.] [1] ";

Schedule 1, Part 15, Subpart B

40. Schedule 1, part 15B is modified by deleting item 182.93, by redesignating item 182.98 as "182.99", by deleting "182.93," and "182.98" in subpart headnote 3 and inserting "182.99", and by inserting the following new items in numerical sequence:

"	182.33	Grass jelly	[See Annex III]	[20% ad val.]
	182.53	Spring rolls and stuffed steam bread dumplings	[See Anex III]	[20% ad val.]
	182.60	Watermelon seeds, prepared or preserved	[See Annex III]	[20% ad val.] ";

Schedule 1, Part 15, Subpart C

41. Item 184.52 is superseded by:

		[Soybean . . . :]		
"	184.51	Rapeseed oil cake and oil-cake meal	[See Annex III]	[0.3¢ per lb.]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

184.53	Other	[0.3¢ per lb.]	[0.3¢ per lb.]	";

42. The following new item is inserted in numerical sequence:

" 184.58	Wheat gluten to be used as animal feed	[See Annex III]	[20% ad val.]	";

43. Item 184.75 is superseded by:

	[Animal . . . :]			
	"Other:			
184.80	Animal feeds containing milk or milk derivatives	[7.5% ad val.]	[20% ad val.]	
184.85	Other	[See Annex III]	[20% ad val.]	";

Schedule 1, Part 15, Subpart F

44. Item 191.15 is superseded by:

	"Animal substances, crude, not specially provided for:			
191.16	Bull semen of the bovine species	Free	[10% ad val.]	
191.18	Other	[2.5% ad val.]	[10% ad val.]	";

Schedule 1, Part 15, Subpart G

45. Item 192.20 is superseded by:

	"Cut flowers, fresh; bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts:			
192.17	Miniature (spray) carnations	[See Annex III]	[40% ad val.]	
192.19	Other	[8% ad val.]	[40% ad val.]	";

Schedule 2, Part 4, Subpart D

46. Item 256.85 is superseded by:

	[Articles . . . :]			
	[Other:]			
	"Of papers, coated, or of any of the papers provided for in items 253.25, 253.30, 253.35, 253.40, or 253.45:			
256.84	Sanitary food and beverage containers, and other articles for serving or storing foods and beverages	[See Annex III]	[26.5% ad val.] [[1]]	
256.87	Other	[5.6% ad val.]	[26.5% ad val.] [[1]]	";

Schedule 3, Headnotes

47. Schedule 3 is modified by adding the following new headnote after headnote 7: (as provided in the Trade Agreements Act of 1979, Sec. 504)

> "8. In the case of each item in this schedule and schedule 7 on which the United States has agreed to reduce the rate of duty, pursuant to a trade agreement entered into under section 101 of the Trade Act of 1974 before January 3, 1980, on any cotton, wool, or manmade fiber textile product as defined in the Arrangement Regarding International Trade in Textiles, as extended on Decem-

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[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

ber 14, 1977 (the Arrangement), if the Arrangement, or a substitute arrangement, including unilateral import restrictions or bilateral agreements, determined by the President to be suitable, ceases to be in effect with respect to the United States before the total reduction in the rate of duty for such item under sections 101 and 109 of the Trade Act of 1974 has become effective, then the President shall proclaim the rate of duty in rate column numbered 1 for such item existing on January 1, 1975, to be the rate of duty effective, with respect to articles entered, or withdrawn from warehouse, for consumption, within 30 days after such cessation and until the President proclaims the continuation of such reduction under the next sentence. If subsequently the Arrangement, or a substitute arrangement, including unilateral import restrictions or bilateral agreements, determined by the President to be suitable, is in effect with respect to the United States, then the President shall proclaim the continuation of the reduction of such rate of duty pursuant to such trade agreement. For purposes of section 109(c)(2) of the Trade Act of 1974, any time when a rate of duty existing on January 1, 1975, is in effect under this headnote shall be time when part of such reduction is not in effect by reason of legislation of the United States or action thereunder.";

Schedule 3, Part 1, Subpart C

48. Schedule 3, part 1C is modified by adding the following new headnote after headnote 6:

> "7. For the purposes of item 307.66, the term *"average fiber diameter"* means the sum of the individual fiber diameter measurements divided by the number of fibers measured.";

49. Item 307.64 is superseded by:

		[Yarns . . . :] [Other:]			
"	307.66	Yarns, wholly of wool, of which the average fiber diameter of the fibers in the yarn is not less than 34.40 microns	See Annex III	55.5% ad val.[1]	
	307.68	Other	See Annex III	55.5% ad val.[1]	";

Schedule 4, Part 2, Subpart D

50. Schedule 4, part 2D is modified by adding the following new item in numerical sequence:

		[Alcohols . . . :]			
"	428.41	Neopentyl glycol	[1.5¢ per lb. + 7.5% ad val.]	[54.5% ad val.] [1]	";

51. Schedule 4, part 2D is modified by redesignating item 428.46 as "428.47";

52. Schedule 4, part 2D is modified by deleting item 429.20 and substituting the following new items, in numerical sequence, in lieu thereof:

		[Halogenated . . . :]		
"	429.19	Butylene dichloride and propylene dichloride.....	[1.5¢ per lb. + 7.5% ad val.]	[6¢ per lb. + 30% ad val.]

429.29	Ethylene dichloride	[1.5¢ per lb. + 7.5% ad val.]	[6¢ per lb. + 30% ad val.] ";

53. Item 429.52 is superseded by:

	[Hydrocarbons:]		
	"Other:		
429.54	Hydrocarbons derived in whole or in part from petroleum, shale oil or natural gas (except isoprene having a purity of 95 percent or more by weight)	[5% ad val.]	[25% ad val.]
429.56	Other	[5% ad val.]	[25% ad val.] ";

54. Item 430.00 is superseded by:

	"Mixtures of two or more organic compounds:		
430.10	Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil, or natural gas	[5% ad val., but not less than the highest rate applicable to any component compound]	[25% ad val., but not less than the highest rate applicable to any component compound]
430.20	Other	[See Annex III]	[25% ad val., but not less than the highest rate applicable to any component compound] ";

Schedule 4, Part 2, Subpart E

55. Item 432.00 is superseded by:

	"Mixtures not specially provided for:		
430.10	Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil, or natural gas	[5% ad val., but not less than the highest rate applicable to any component material]	[25% ad val., but not less than the highest rate applicable to any component material]
	[Mixtures . . . :]		

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

432.20	Other	[See Annex III]	[25% ad val., but not less than the highest rate applicable to any component material] ";

Schedule 4, Part 4, Subpart A

56. Items 445.40, 445.45 and 445.50 are superseded by:

	[Synthetic . . . :]		
	[Vinyl . . . :]		
	"Polyvinyl acetate and vinyl resins containing by weight 50 percent or more of derivatives of vinyl acetate:		
445.42	Polyvinyl alcohol resins	[0.6¢ per lb. +3% ad val.]	[37.5% ad val.] [1]
445.44	Other	4% ad val.	[37.5% ad val.] [1]
	Other:		
445.46	Polyvinyl chloride resins	[1.25¢ per lb. +6¢ ad val.]	[43.5% ad val.] [1]
445.48	Other	[1.25¢ per lb. +6¢ ad val.]	[43.5% ad val.] [1]
445.52	Polypropylene resins	[1.3¢ per lb. +10% ad val.]	[33.5% ad val.] [1]
445.54	Polytetrafluoroethylene (PTFE) resins	[1.3¢ per lb. +10% ad val.]	[33.5% ad val.] [1]
445.56	Other	[1.3¢ per lb. +10% ad val.]	[33.5% ad val.] [1] ";

Schedule 4, Part 13, Subpart B

57. Schedule 4, part 13B is modified by redesignating item 493.15 as "493.12";

58. Item 493.16 is superseded by:

	[Casein . . . :]		
	"Other:		
493.14	Dried milk (described in items 115.45, 115.50, 115.55, and 118.05) which contains not over 5.5 percent by weight of butterfat and which is mixed with other ingredients, including but not limited to sugar, if such mixtures contain over 16 percent milk solids by weight, are capable of being further processed or mixed with similar or other ingredients and are not prepared for marketing to the retail consumers in the identical form and package in which imported	[1.3¢ per lb.]	[5.5¢ per lb.]
493.17	Other	0.2¢ per lb.	[5.5¢ per lb.] ";

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

Schedule 5, Part 1, Subpart F

59. Schedule 5, Part 1F is modified by adding the following new item in numerical sequence:

[518.51]	[Articles . . .]		
" 518.52	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[25% ad val.] ";

Schedule 5, Part 2, Subpart C

60. Schedule 5, part 2C is modified by: (as provided in the Trade Agreements Act of 1979, Sec. 509)

(a) deleting "(items 533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, 533.68 and 533.69)" in headnote 2(a) and inserting in lieu thereof the following: "(items 533.22, 533.24, 533.62, and 533.64)";

(b) deleting "or (c)" in headnote 2(a);

(c) deleting "533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, or 533.68" in headnote 2(b) and inserting in lieu thereof the following: "533.22, 533.24, 533.62 or 533.64";

(d) deleting "appraiser" in headnote 2(b) and inserting in lieu thereof "appropriate customs officer";

(e) inserting "sold or offered for sale," after "12 teacups and their saucers," in headnote 2(b);

(f) deleting headnote 2(c) and redesignating headnote 2(d) as 2(c); and

(g) deleting items 533.11 through 533.77, including the superior heading to such items, and inserting in lieu thereof the following:

	"Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:		
533.11	Of coarse-grained earthenware, or of coarse-grained stoneware	[See Annex III]	[15% ad val.]
533.15	Of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze which, on teapots, may be any color, but which, on other articles, must be mottled, streaked, or solidly colored brown to black with metallic oxide or salt	[See Annex III]	[25% ad val.]
	[Articles . . . :]		
	Of fine-grained earthenware (except articles provided for in item 533.15) or of fine-grained stoneware:		
533.20	Hotel or restaurant ware and other ware not household ware	[See Annex III]	[55% ad val.] [1]
	Household ware available in specified sets:		
533.22	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is not over $38	[See Annex III]	[55% ad val.] [1]
533.24	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $38	[See Annex III]	[55% ad val.] [1]
	Household ware not available in specified sets:		
533.29	Steins with permanently attached pewter lids	[See Annex III]	[55% ad val.] [1]
533.30	Mugs and other steins	13.5% ad val.	[55% ad val.] [1]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 509.]

533.32	Candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, bonbon dishes, egg cups, spoons and spoon rests, oil and vinegar sets, tumblers, and salt and pepper shaker sets	[See Annex III]	[55% ad val.] [1]
533.34	Cups valued over $5.25 per dozen; saucers valued over $3 per dozen; soups, oatmeals, and cereals valued over $6 per dozen; plates not over 9 inches in maximum diameter and valued over $6 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $8.50 per dozen; platters or chop dishes valued over $35 per dozen; sugars valued over $21 per dozen; creamers valued over $15 per dozen; and beverage servers valued over $42 per dozen	[See Annex III]	[55% ad val.] [1]
533.39	Other articles	[See Annex III]	[55% ad val.] [1]
	Of chinaware or of subporcelain:		
533.52	Hotel or restaurant ware and other ware not household ware	[See Annex III]	[75% ad val.] [1]
	[Articles . . . :]		
	[Of chinaware . . . :]		
	Household ware:		
533.54	Of bone chinaware	[See Annex III]	[75% ad val.] [1]
	Of nonbone chinaware or subporcelain:		
	Available in specified sets:		
533.62	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is not over $56	[See Annex III]	[75% ad val.] [1]
533.64	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $56	[See Annex III]	[75% ad val.] [1]
	Not available in specified sets:		
533.72	Steins with permanently attached pewter lids	[See Annex III]	[70% ad val.]
533.74	Mugs and other steins	[See Annex III]	[70% ad val.]
533.76	Candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, bonbon dishes, egg cups, spoons and spoon rests, oil and vinegar sets, tumblers, and salt and pepper shaker sets	[See Annex III]	[70% ad val.]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 509.]

		[Articles . . . :] [Of chinaware . . . :] [Household . . . :] [Of nonbone . . . :] [Not available . . . :]		
	533.78	Cups valued over $8 per dozen; saucers valued over $5.25 per dozen; soups, oatmeals, and cereals valued over $9.30 per dozen; plates not over 9 inches in maximum diameter and valued over $8.50 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $11.50 per dozen; platters or chop dishes valued over $40 per dozen; sugars valued over $23 per dozen; creamers valued over $20 per dozen; and beverage servers valued over $50 per dozen ...	[See Annex III]	[75% ad val.] [1]
	533.79	Other articles..............................	28% ad val.	[75% ad val.] [1] ";

Schedule 5, Part 3, Subpart A

61. Item 540.33 is superseded by:

		[Solid . . . :]		
"	540.30	Not over 1 millimeter in diameter	[17.5% ad val.]	[60% ad val.]
	540.32	Over 1 millimeter but not over 6 millimeters in diameter	See Annex III	[60% ad val.] ";

Schedule 5, Part 3, Subpart B

62. Schedule 5, part 3, subpart B is modified by adding the following new item in numerical sequence:

	[544.41]	[Laminated . . . :]		
"	544.43	Windshields, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)................	Free	[60% ad val.] ";

Schedule 5, Part 3, Subpart C

63. Item 546.17 is superseded by:

		[Articles . . . :] [Glassware . . . :]		
"	546.16	Valued over $3 but not over $5 each	[10.5% ad val.]	[60% ad val.]
	546.20	Valued over $5 each	See Annex III	[60% ad val.] ";

64. Items 546.40 through 546.50, including the superior headings to such items, are superseded by:

	[Articles . . . :] "Other glassware:		
546.39	Smokers' articles..	[See Annex III]	[60% ad val.]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 609.]

546.47	Perfume bottles fitted with ground glass stoppers	[See Annex III]	[60% ad val.]	";

65. Items 546.54 and 546.56 are superseded by:

[Articles . . . :]
  [Other . . . :]
    [Other . . . :]

" 546.60	Valued over $0.30 but not over $3 each	[30% ad val.]	[60% ad val.]	";

66. Items 546.58 and 546.59 are superseded by:

[Articles . . . :]
  [Other . . . :]
    [Other . . . :]
      [Valued . . . :]

	"Cut or engraved:			
546.62	Valued over $3 but not over $5 each	[15% ad val.]	[60% ad val.]	
546.64	Valued over $5 each	[See Annex III]	[60% ad val.]	
	Other:			
546.66	Valued over $3 but not over $5 each	[15% ad val.]	[60% ad val.]	
546.68	Valued over $5 each	[See Annex III]	[60% ad val.]	";

Schedule 6, Part 1

67. Schedule 6, part 1 is modified by deleting items 601.28 and 602.31;

Schedule 6, Part 2, Subpart B

68. Schedule 6, part 2B, headnote 2(h) is modified by (1) deleting "and" in subparagraph (iii), (2) deleting the period at the end of subparagraph (iv) and substituting a semi-colon in lieu thereof, and (3) adding the following, immediately after subparagraph (iv):

"(v) "tool steel" refers to alloy steel which contains the following combinations of elements in the quantity, by weight, respectively indicated:

(A) not less than 1.0 percent carbon and over 11.0 percent chromium; or

(B) not less than 0.3 percent carbon and 1.25 percent to 11.0 percent inclusive chromium; or

(C) not less than 0.85 percent carbon and 1.0 percent to 1.8 percent inclusive manganese; or

(D) 0.9 percent to 1.2 percent inclusive chromium and 0.9 percent to 1.4 percent inclusive molybdenum; or

(E) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or

(F) not less than 0.5 percent carbon and not less than 5.5 percent tungsten;

(vi) *"high speed tool steel"* refers to all tool steel which contains by weight, not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; *or* not less than 0.5 percent carbon and not less than 5.5 percent tungsten;

(vii) *"tool steel of the type described in headnote 2(h)(vii)"* refers to alloy tool steel which contains, in addition to iron, each of the following elements by weight in the amounts specified:

carbon: not less than 0.95 nor more than 1.13 percent;
manganese: not less than 0.22 nor more than 0.48 percent;
sulfur: none, or not more than 0.03 percent;
phosphorus: none, or not more than 0.03 percent;
silicon: not less than 0.18 nor more than 0.37 percent;
chromium: not less than 1.25 nor more than 1.65 percent;
nickel: none, or not more than 0.28 percent;
copper: none, or not more than 0.38 percent;
molybdenum: none, or not more than 0.09 percent;

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

(viii) *"chipper knife steel"* refers to alloy tool steel which contains, in addition to iron, each of the following elements by weight in the amount specified:

carbon: not less than 0.48 nor more than 0.55 percent;
manganese: not less than 0.20 nor more than 0.50 percent;
silicon: not less than 0.75 nor more than 1.05 percent;
chromium: not less than 7.25 nor more than 8.75 percent;
molybdenum: not less than 1.25 nor more than 1.75 percent;
tungsten: none, or not more than 1.75 percent;
vanadium: not less than 0.20 nor more than 0.55 percent;

(ix) *"silicon electrical steel"* refers to alloy steel containing, by weight, not over 6.0 percent of silicon, which may also contain aluminum not in excess of 0.5 percent by weight, but containing no other metallic elements that would render the steel an alloy steel as defined in headnote 2(h)(ii) of this subpart; and

(x) *"razor blade steel"* refers to stainless steel strip not over 0.010 inch in thickness and not over 0.9 inch in width, containing by weight not less than 0.6 percent and not over 0.75 percent carbon, and containing by weight not less than 11.5 percent and not over 14.7 percent chromium, certified at the time of entry to be used in the manufacture of razor blades.";

69. Schedule 6, part 2B, headnote 4 is modified by deleting "607.01, 607.02, 607.03, and 607.04" and substituting "606.00, 606.02, 606.04, and 606.06" in lieu thereof, and by deleting "this headnote" and substituting " 'additional duties' " in lieu thereof;

70. All matter from item 607.01, including the superior heading thereto, to item 609.06, inclusive, is superseded by:

	"Iron or steel products containing any of the following metals in the quantity respectively specified (see headnote 4 of this subpart):		
606.00	Containing over 0.2 percent by weight of chromium	Additional duty of 0.1% ad val.	[Additional duty of 1% ad val.] [1]
606.02	Containing over 0.1 percent by weight of molybdenum	Additional duty of 0.3% ad val.	[Additional duty of 1% ad val.] [1]
606.04	Containing over 0.3 percent by weight of tungsten	Additional duty of 0.4% ad val.	[Additional duty of 1% ad val.] [1]
606.06	Containing over 0.1 percent by weight of vanadium	Additional duty of 0.2% ad val.	[Additional duty of 1% ad val.] [1]
	Iron or steel waste and scrap:		
606.08	Tin plate waste or scrap	[Free]	[Free]
	Other:		
606.09	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	[Free]	[75¢ per ton]
606.11	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	[See Annex III]	[0.5% ad val. + additional duties (see headnote 4)] [1]
	Pig iron, cast iron, and spiegeleisen, all the foregoing in pigs, blocks, lumps, and similar forms:		
	Pig iron and cast iron:		

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

606.13	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	[Free]	[$1.125 per ton]
606.15	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	0.2% ad val. + additional duties (see headnote 4)	[0.5% ad val. + additional duties (see headnote 4)] [1]
	[Pig . . . :]		
	Spiegeleisen:		
606.17	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	0.2% ad val.	[0.5% ad val.] [1]
606.19	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	[See Annex III]	[1% ad val. + additional duties (see headnote 4)] [1]
606.20	Ferronickel	[Free]	[3¢ per lb.]
	Ferroalloys:		
	Ferrochromium:		
606.22	Not containing over 3 percent by weight of carbon	[See Annex III]	[30% ad val.]
606.24	Containing over 3 percent by weight of carbon	1.9% ad val.	[7.5% ad val.] [1]
	Ferromanganese:		
606.26	Not containing over 1 percent by weight of carbon	[See Annex III]	[22% ad val.] [1]
606.28	Containing over 1 percent but not over 4 percent by weight of carbon	[See Annex III]	[6.5% ad val.] [1]
606.30	Containing over 4 percent by weight of carbon	[See Annex III]	[10.5% ad val.] [1]
606.31	Ferromolybdenum	[See Annex III]	[31.5% ad val.] [1]
606.33	Ferrophosphorus	[See Annex III]	[25% ad val.]
	Ferrosilicon:		
606.35	Containing over 8 percent but not over 60 percent by weight of silicon	[Free]	[2¢ per lb. on silicon content]
	Containing over 60 percent but not over 80 percent by weight of silicon:		
606.36	Containing over 3 percent by weight of calcium	[See Annex III]	[11.5% ad val.] [1]
606.37	Other	[See Annex III]	[11.5% ad val.] [1]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

606.30	Containing over 80 percent but not over 90 percent by weight of silicon	[See Annex III]	[9% ad val.] [1]
606.40	Containing over 90 percent by weight of silicon	[See Annex III]	[40% ad val.] [1]
606.42	Ferrosilicon chromium	[10% ad val.]	[25% ad val.]
	[Ferroalloys:]		
606.44	Ferrosilicon manganese	[See Annex III]	[23% ad val.] [1]
606.46	Ferrotitanium and ferrosilicon titanium	[See Annex III]	[25% ad val.]
606.48	Ferrotungsten and ferrosilicon tungsten	[See Annex III]	[35% ad val.] [1]
606.50	Ferrovanadium	[See Annex III]	[25% ad val.]
606.51	Ferrozirconium	[See Annex III]	[25% ad val.]
606.53	Other	[5% ad val.]	[25% ad val.]
	Sponge iron; iron or steel powders:		
	Sponge iron, including powders thereof:		
606.55	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	[Free]	[$2.25 per ton]
606.57	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart	[See Annex III]	[$2.25 per ton + additional duties (see headnote 4)]
	Other powders:		
606.59	Other than alloy iron or steel	[See Annex III]	[0.75¢ per lb.]
	Alloy iron or steel:		
606.60	Stainless steel powders	0.3% ad val.	[1% ad val.] [1]
606.62	Other	[See Annex III]	[45% ad val.]
606.64	Grit and shot, including wire pellets, of iron or steel	[See Annex III]	[3% ad val.] [1]
	Ingots, blooms, billets, slabs, and sheet bars, all the foregoing of iron or steel:		
606.67	Other than alloy iron or steel	[See Annex III]	[20% ad val.]
606.69	Alloy iron or steel	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]
	Forgings of iron or steel, not machined, not tooled, and not otherwise processed after forging:		
606.71	Other than alloy iron or steel	[See Annex III]	[25% ad val.]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979. Sec. 514.]

606.73	Alloy iron or steel	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
	Bars of wrought iron:		
606.75	Other than alloy wrought iron	[See Annex III]	[7% ad val.] [[1]]
606.77	Alloy wrought iron	[See Annex III]	[10.5% ad val. + additional duties (see headnote 4)] [[1]]
	Bars of steel:		
	Deformed concrete reinforcing bars:		
606.79	Other than alloy steel	[See Annex III]	[20% ad val.]
606.81	Alloy steel	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]
	Other bars:		
	Other than alloy steel:		
	Not cold formed:		
606.83	Not coated or plated with metal	[See Annex III]	[20% ad val.]
606.86	Coated or plated with metal	[See Annex III]	[0.2¢ per lb. + 20% ad val.]
606.88	Cold formed	[See Annex III]	[0.125¢ per lb. + 20% ad val.]
	Alloy steel:		
606.90	Stainless steel	[10.5% ad val. + additional duties (see headnote 4)]	[28% ad val. + additional duties (see headnote 4)]
	Tool steel:		
606.91	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

	Chipper knife steel:		
606.93	Not cold formed	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]
606.94	Cold formed	[10.5% ad val. + additional duties (see headnote 4)]	[28% ad val. + additional duties (see headnote 4)]
606.95	Other	[10.5% ad val. + additional duties (see headnote 4)]	[28% ad val. + additional duties (see headnote 4)]
	Other:		
606.97	Not cold formed	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]
606.99	Cold formed	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]
	Hollow drill steel:		
	Other than alloy steel:		
607.05	Valued not over 8 cents per pound	[See Annex III]	[23% ad val.] [1]
607.07	Valued over 8 cents per pound	[See Annex III]	[22% ad val.]
607.09	Alloy steel	[See Annex III]	[30% ad val. + additional duties (see headnote 4)]
	Wire rods of iron or steel:		
	Other than alloy iron or steel:		
	Not tempered, not treated, and not partly manufactured:		
607.14	Valued not over 4 cents per pound	[See Annex III]	[4.5% ad val.] [1]
607.17	Valued over 4 cents per pound	[See Annex III]	[5.5% ad val.] [1]
	Tempered, treated, or partly manufactured:		
607.22	Valued not over 4 cents per pound	[See Annex III]	[29.5% ad val.] [1]
607.23	Valued over 4 cents per pound	[See Annex III]	[6% ad val.] [1]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

	Alloy iron or steel:		
	Not tempered, nor treated, and not partly manufactured:		
607.26	Stainless steel	4.3% ad val. + additional duties (see headnote 4)	[11% ad val. + additional duties (see headnote 4)] [1]
	Tool steel:		
607.28	High speed tool steel	4.2% ad val. + additional duties (see headnote 4)	[11% ad val. + additional duties (see headnote 4)] [1]
607.32	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[11% ad val. + additional duties (see headnote 4)] [1]
607.34	Other	4.9% ad val. + additional duties (see headnote 4)	[11% ad val. + additional duties (see headnote 4)] [1]
607.41	Other	[See Annex III]	[11% ad val. + additional duties (see headnote 4)] [1]
	[Wire . . . :]		
	[Alloy . . . :]		
	Tempered, treated, or partly manufactured:		
607.43	Stainless steel	4.6% ad val. + additional duties (see headnote 4)	[10% ad val. + additional duties (see headnote 4)] [1]
	Tool steel:		
607.46	High speed tool steel	4.3% ad val. + additional duties (see headnote 4)	[10% ad val. + additional duties (see headnote 4)] [1]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

607.48	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[10% ad val. + additional duties (see headnote 4)] [1]
607.54	Other	5.9% ad val. + additional duties (see headnote 4)	[10% ad val. + additional duties (see headnote 4)] [1]
607.59	Other	[See Annex III]	[10% ad val. + additional duties (see headnote 4)] [1]

*

	Plates and sheets of iron or steel, not cut, not pressed, and not stamped to nonrectangular shape (except as provided in item 609.17):		
	Not coated or plated with metal and not clad:		
	Black plate:		
607.62	Corrugated or crimped	[See Annex III]	[20% ad val.]
607.64	Other	[See Annex III]	[20% ad val.]
	Other:		
	Not pickled and not cold rolled:		
	Other than alloy iron or steel:		
607.66	Plates	[See Annex III]	[20% ad val.]
607.67	Sheets	[See Annex III]	[20% ad val.]
	Alloy iron or steel:		
	Plates and sheets of tool steel:		
607.69	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]
	[Plates . . . :]		
	[Not . . . :]		
	[Other:]		
	[Not . . . :]		
	[Alloy . . . :]		
	[Plates . . . :]		
607.72	Other	[9.5% ad val. + additional duties (see headnote 4)]	[28% ad val. + additional duties (see headnote 4)]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

607.76	Plates and sheets of stainless steel	[9.5% ad val. + additional duties (see headnote 4)]	[28% ad val. + additional duties (see headnote 4)]
	Other:		
607.78	Plates	[See Annex III]	[28% ad val. + additional duties (see headnote 4)]
607.81	Sheets	[9.5% ad val. + additional duties (see headnote 4)]	[28% ad val. + additional duties (see headnote 4)]
	Pickled or cold rolled:		
607.83	Other than alloy iron or steel	[See Annex III]	[0.2¢ per lb. + 20% ad val.]
	Alloy iron or steel:		
	Plates and sheets of tool steel:		
607.86	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[0.2¢ per lb. + 28% ad val. + additional duties (see headnote 4)]
607.88	Other	[10% ad val. + additional duties (see headnote 4)]	[0.2¢ per lb. + 28% ad val. + additional duties (see headnote 4)]
607.90	Plates and sheets of stainless steel	[10% ad val. + additional duties (see headnote 4)]	[0.2¢ per lb. + 28% ad val. + additional duties (see headnote 4)]
	Other:		
607.91	Plates	[See Annex III]	[0.2¢ per lb. + 28% ad val. + additional duties (see headnote 4)]

	[Plates . . . :]		
	[Not . . . :]		
	[Other:]		
	[Pickled . . . :]		
	[Alloy . . . :]		
	[Other:]		
	Sheets:		
607.92	Silicon electrical steel	[See Annex III]	[0.2¢ per lb. + 28% ad val. + additional duties (see headnote 4)]
607.93	Other	[See Annex III]	[0.2¢ per lb. + 28% ad val. + additional duties (see headnote 4)]
607.94	Clad	[See Annex III]	[30% ad val.]
	Coated or plated with metal:		
	Tin plate and tin coated sheets:		
607.96	Imported for use in the manufacture of maple sap evaporators	Free	[1¢ per lb.]
	Other:		
607.97	Valued not over 10 cents per pound	[See Annex III]	[1¢ per lb.]
607.99	Valued over 10 cents per pound	[See Annex III]	[6% ad val.] [1]
608.01	Terne plate and terne coated sheets	[See Annex III]	[6% ad val.] [1]
	Other:		
	Other than alloy iron or steel:		
608.07	Valued not over 10 cents per pound	[See Annex III]	[0.2¢ per lb. + 20% ad val.]
	Valued over 10 cents per pound:		
608.11	Plates	[See Annex III]	[21.5% ad val. [1]
608.13	Sheets	[See Annex III]	[21.5% ad val.] [1]
608.14	Alloy iron or steel	[See Annex III]	[0.2¢ per lb. + 28% ad val. + additional duties (see headnote 4)]
	Strip, of iron or steel, not cut, not pressed, and not stamped to nonrectangular shape (except as provided in item 609.17):		
	Other than alloy iron or steel:		

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

608.19	Not over 0.01 inch in thickness	[See Annex III]	[25% ad val.]
608.21	Over 0.01 but not over 0.05 inch in thickness	[See Annex III]	[25% ad val.]
608.23	Over 0.05 inch in thickness	[See Annex III]	[25% ad val.]
	Alloy iron or steel:		
	Not over 0.01 inch in thickness:		
	Stainless steel:		
608.26	Razor blade steel	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
608.29	Other	[8% ad val. + additional duties (see headnote 4)]	[33% ad val. + additional duties (see headnote 4)]
	Tool steel:		
608.31	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
608.34	Other	[8% ad val. + additional duties (see headnote 4)]	[33% ad val. + additional duties (see headnote 4)]
608.38	Other	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
	Over 0.01 but not over 0.05 inch in thickness:		
608.39	Silicon electrical steel	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
608.43	Stainless steel	[10.5% ad val. + additional duties (see headnote 4)]	[33% ad val. + additional duties (see headnote 4)]

	[Strip . . . :]		
	[Alloy . . . :]		
	[Over . . . :]		
	Tool steel:		
608.47	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
608.49	Other	[10.5% ad val. + additional duties (see headnote 4)]	[33% ad val. + additional duties (see headnote 4)]
608.55	Other	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
	Over 0.05 inch in thickness:		
608.57	Stainless steel	[11.5% ad val. + additional duties (see headnote 4)]	[33% ad val. + additional duties (see headnote 4)]
	Tool steel:		
608.59	Tool steel of the type described in headnote 2(h)(vii) of this subpart	[See Annex III]	[33% ad val. + additional duties (see headnote 4)]
608.64	Other	[11.5% ad val. + additional duties (see headnote 4)]	[33% ad val. + additional duties (see headnote 4)]
608.67	Other	[See Annex III]	[33% ad val. + additional duties (see headnote 4)] ";

71. Items 609.12 and 609.13 and the superior heading thereto are superseded by:

	[Plates . . . :]		
"609.14	Other than alloy iron or steel	[See Annex III]	[20% ad val.] ";

72. Items 609.26 and 609.27 are superseded by:

	[Wire . . . :]		
	[Flat . . . :]		
	[Other . . . :]		
	[Coated . . . :]		
"609.28	Over 0.01 inch in thickness	[See Annex III]	[26% ad val.] [1] ";

73. Items 609.31 and 609.32 are superseded by:

	[Wire . . . :]		
	[Flat . . . :]		
	[Alloy . . . :]		
	[Not . . . :]		
"609.33	Over 0.01 inch in thickness	[See Annex III]	[33% ad val. + additional duties (See headnote 4)] ";

Schedule 6, Part 2, Subpart J

74. Item 629.15 is superseded by:

	[Titanium . . . :]		
"629.12	Waste and scrap	[See Annex III]	[25% ad val.]
629.14	Unwrought	[See Annex III]	[25% ad val.] ";

Schedule 6, Part 2, Subpart K

75. Item 632.32 is superseded by:

	[Other . . . :]		
	[Other . . . :]		
	"Manganese:		
632.28	Waste and scrap	[See Annex III]	[20% ad val.] [1]
632.30	Unwrought	14% ad val.	[20% ad val.] [1] ";

76. Item 632.84 is superseded by:

	[Other . . . :]		
	[Alloys . . . :]		
	"Other alloys, unwrought:		
632.86	Containing by weight 96 percent or more but less than 99 percent of silicon	[9% ad val.]	[45% ad val.]
632.88	Other	[See Annex III]	[45% ad val.] ";

Schedule 6, Part 3, Subpart B

77. Schedule 6, part 3B is modified by adding the following new item in numerical sequence:

	[Strands . . . :]		
[642.20]	[Fitted . . .]		
"642.22	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[45% ad val.] ";

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[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

Schedule 6, Part 3, Subpart D

78. Schedule 6, part 3D is modified by adding the following new items in numerical sequence:

	[Hinges . . . :]		
	[Not . . . :]		
	[Of iron . . . :]		
[647.03]	[Other]		
" 647.04	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)........	Free	[45% ad val.]
[647.05]	[Other]		
647.07	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)........	Free	[45% ad val.] ";

Schedule 6, Part 3, Subpart F

79. Schedule 6, part 3F is modified by adding the following new item in numerical sequence:

[652.09]	[Flexible . . . :]		
" 652.11	Flexible metal hose or tubing, with fittings, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)........	Free	[30% ad val.] ";

80. Item 652.12 is superseded by:

	[Chain . . . :]		
	[Of iron . . . :]		
	[Chain . . . :]		
	[Of . . . :]		
	"Valued under 40 cents per pound:		
652.13	Bicycle chains and parts........	[See Annex III]	[40% ad val.]
652.14	Other chains and parts	[See Annex III]	[40% ad val.] ";

81. The article description for item 652.39 is modified by deleting "652.12" and substituting "652.13" in lieu thereof;

82. Schedule 6, part 3F is modified by adding the following new item in numerical sequence:

	[Illuminating . . . :]		
	[Other:]		
	[Other:]		
[653.39]	[Other]		
"653.41	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)........	Free	[45% ad val.] ";

83. Item 653.94 is superseded by:

	[Articles . . . :]		
	[Articles . . . :]		
	[Of iron . . . :]		
	[Not . . . :]		
	[Other:]		
" 653.96	Toilet and sanitary ware	[See Annex III]	[40% ad val.]
653.98	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)...	Free	[40% ad val.]
	Other:		
653.99	Cooking ware (except stainless steel or chrome-plated)	[See Annex III]	[40% ad val.]

654.01	Other	[See Annex III]	[40% ad val.] ";

84. Schedule 6, part 3F is modified by redesignating items 653.97 and 654.00 as "654.02" and "654.03", respectively;

85. Item 654.10 is superseded by:

	[Articles . . . :]		
	[Articles . . . :]		
	"Of aluminum:		
	Not enameled or glazed and not containing non-stick interior finishes:		
	Cooking and kitchen ware:		
654.07	Cast	[See Annex III]	[45.5% ad val.] [1]
654.09	Other	[See Annex III]	[45.5% ad val.] [1]
654.11	Other	[See Annex III]	[45.5% ad val.] [1]
	Enameled or glazed or containing non-stick interior finishes:		
	Cooking and kitchen ware:		
654.12	Cast	[See Annex III]	[45.5% ad val.] [1]
654.13	Other	[See Annex III]	[45.5% ad val.] [1]
654.14	Other	[See Annex III]	[45.5% ad val.] [1] ";

Schedule 6, Part 4, Subpart A

86. The article description for item 660.40 is modified by deleting "692.30" and substituting "692.34" in lieu thereof;

87. Items 660.44 and 660.45 are superseded by:

	[Internal . . . :]		
	[Piston-type . . . :]		
	[Other:]		
	"Engines other than compression-ignition engines:		
	Specially designed for:		
660.48	Automobiles (including trucks and buses)	[See Annex III]	[35% ad val.]
660.49	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	[Free]	
660.56	Other	[See Annex III]	[35% ad val.]
660.57	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	[Free]	
660.58	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.] ";

88. Items 660.46 and 660.47 are superseded by:

	[Internal . . . :]		
	"Non-piston type engines:		
660.59	Aircraft engines	[5% ad val.] [1]	[35% ad val.]

---

[1] [This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

660.61	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]
660.62	Other	[5% ad val.] [1]	[35% ad val.]
660.63	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	Free]";	

89. Schedule 6, part 4A is modified by deleting item 660.51;

90. Schedule 6, part 4A is modified by redesignating items 660.50, 660.52, and 660.53 as "660.64", "660.67", and "660.68", respectively, and by inserting the following new item in numerical sequence:

	[Internal . . . :]		
	[Parts:]		
	[Other . . . :]		
	[Parts . . . :]		
[660.67]			
" 660.69	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.] ";

91. Schedule 6, part 4A is modified by redesignating items 660.54 and 660.55 as "660.71" and "660.72", respectively, and by inserting the following new item in numerical sequence:

	[Internal . . . :]		
	[Parts:]		
	[Other . . . :]		
[660.71]	[Other]		
" 660.73	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.] ";

92. Schedule 6, part 4A is modified by redesignating items 660.65, 660.70 and 660.75 as "660.74", "660.76", and "660.77", respectively;

93. Schedule 6, part 4A is modified by adding the following new item in numerical sequence:

	[Non-electric . . . :]		
[660.85]	[Other]		
660.87	Non-electric engines and motors, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[27.5% ad val.] ";

94. Schedule 6, part 4A is modified by adding the following new items in numerical sequence:

	[Pumps . . . :]		
[660.97]	[Other]		
" 660.99	Pumps for liquids, operated by any kind of power unit, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.] ";

95. Schedule 6, part 4A is modified by redesignating items 661.09, 661.10 and 661.11 as "661.05", "661.06" and "661.07", respectively, and by adding the following new items in numerical sequence:

	[Air . . . :]		
	[Fans . . . :]		
[660.06]	[Other]		

[[1] See Annex III for future staged reductions.]

"661.08	Fans and blowers, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

96. Schedule 6, part 4A is modified by adding the following new items in numerical sequence:

	[Air . . . :]			
[661.12]	[Compressors . . . :]			
"661.14	Compressors, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";
[661.15]	[Other]			
661.17	Air pumps and vacuum pumps, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

97. Schedule 6, part 4A is modified by adding the following new items in numerical sequence:

[661.20]	[Air-conditioning . . .]			
"661.22	Air-conditioning machines, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

98. Schedule 6, part 4A is modified by adding the following new items in numerical sequence:

[661.35]	[Refrigerators . . .]			
"661.37	Refrigerators and refrigerating equipment, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

99. Schedule 6, part 4A is modified by adding the following new item in numerical sequence:

	[Centrifuges . . . :]			
	[Centrifuges . . . :]			
[661.90]	[Other]			
"661.91	Centrifuges, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[25% ad val.]	";

100. Schedule 6, part 4A is modified by adding the following new item in numerical sequence:

	[Centrifuges . . . :]			
	[Other:]			
[661.95]	[Other]			
"661.97	Filtering and purifying machinery and apparatus, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

101. Schedule 6, part 4A is modified by adding the following new item in numerical sequence:

	[Mechanical . . . :]			
[662.50]	[Other]			
"662.52	Fire extinguishers, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

Schedule 6, Part 4, Subpart B

102. Item 664.05 is superseded by:

	"Mechanical shovels, coal-cutters, excavators, scrapers, bulldozers, and other excavating, leveling, boring, and extracting machinery, all the foregoing, whether stationary or mobile, for earth, minerals, or ores; pile drivers; snow plows, not self-propelled; all the foregoing and parts thereof:		
664.06	Peat excavators	[See Annex III]	[35% ad val.]
664.07	Backhoes, shovels, clamshells, draglines, and wheel-type front-end loaders	[See Annex III]	[35% ad val.]
664.08	Other	[See Annex III]	[35% ad val.] ";

103. The article description for item 664.10 is modified by deleting "item 664.05" and substituting "items 664.06, 664.07, or 664.08" in lieu thereof;

104. Schedule 6, part 4B is modified by adding the following new item in numerical sequence:

[664.10]	[Elevators . . . :]		
"664.12	Elevators, hoists, winches, cranes, jacks, pulley tackle, belt conveyors, and other lifting, handling, loading, or unloading machinery, and conveyors; all the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.] ";

Schedule 6, Part 4, Subpart D

105. Schedule 6, part 4D is modified by:
(a) Adding the following new headnote:

"1. For the purposes of this subpart the weight of duplicating machines and offset presses shall be determined in their condition when fully assembled." and

(b) Superseding item 668.20 by:

	[Printing . . . :]		
	"Other, including printing presses, offset duplicating machines, and stencil copy machines:		
668.21	Offset printing presses of the sheet-fed type weighing 3,500 pounds or more	[See Annex III]	[25% ad val.]
668.23	Other	[See Annex III]	[25% ad val.] ";

Schedule 6, Part 4, Subpart E

106. Item 672.15 is superseded by:

	[Sewing . . . :]		
	[Sewing . . . :]		
	"Valued over $10 each:		
672.14	Specially designed for industrial or commercial use	[See Annex III]	[30% ad val.]
672.16	Other	[See Annex III]	[30% ad val.] ";

Schedule 6, Part 4, Subpart G

107. Schedule 6, part 4G is modified by adding the following new item in numerical sequence:

	[Calculating . . . :]		
[676.15]	[Accounting . . . :]		
"676.16	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.] ";

108. Schedule 6, part 4G is modified by adding the following new item in numerical sequence:

[676.30]	[Office . . . :]			
" 676.31	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

Schedule 6, Part 4, Subpart H

109. Schedule 6, part 4H is modified by adding the following new item in numerical sequence:

" 678.48	Flight simulating machines and parts thereof	Free	[35% ad val.]	";

Schedule 6, Part 4, Subpart J

110. Items 680.15, 680.20, 680.21, and 680.40 are redesignated as "680.13", "680.14", "680.16", and "680.42", respectively;

111. Items 680.22 and 680.23 are superseded by:

	[Taps . . . :]		
	[Hand-operated . . :]		
" 680.17	Of iron or steel	[See Annex III]	[45% ad val.]
680.18	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	[Free]	
680.19	Other	[See Annex III]	[45% ad val.]
680.24	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)	[Free]";	

112. Items 680.43 through 680.56, including the superior headings thereto, are superseded by:

	"Gear boxes and other speed changers with fixed, multiple, or variable ratios; pulleys and shaft couplings; pillow blocks; flange, take-up, cartridge, and hanger units; torque converters; chain sprockets; clutches; and universal joints; all the foregoing (except parts of agricultural or horticultural machinery and implements provided for in item 666.00 and parts of motor vehicles, aircraft, and bicycles) and parts thereof:		
	Gear boxes and other speed changers and parts thereof:		
	Fixed ratio speed changers, multiple and variable ratio speed changers each ratio of which is selected by manual manipulation, and parts thereof:		
680.46	Imported for use with machines for making cellulosic pulp, paper, or paperboard	[See Annex III]	[27.5% ad val.]
680.49	Other	[See Annex III]	[27.5% ad val.]
	[Gear . . . :]		
	[Gear . . . :]		
680.59	Other speed changers	[See Annex III]	[$4.50 each + 65% ad val.]
680.61	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[$4.50 each + 65% ad val.]
680.62	Other parts	[See Annex III]	[65% ad val.]
680.63	Pulleys and shaft couplings, and parts thereof	[See Annex III]	[45% ad val.]

680.65	Pulleys, shaft couplings, and parts of the foregoing which are specially designed for installation in civil aircraft; all the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[45% ad val.]
	Pillow blocks and parts thereof:		
680.66	Ball or roller bearing type	[See Annex III]	[45% ad val.]
680.68	Other types	[See Annex III]	[45% ad val.]
	Flange, take-up, cartridge, and hanger units, and parts thereof:		
680.69	Ball or roller bearing type	[See Annex III]	[45% ad val.]
680.72	Other types	[See Annex III]	[45% ad val.]
680.73	Torque converters, and parts thereof	[See Annex III]	[27.5% ad val.]
680.75	Torque converters; and parts thereof which are specially designed for installation in civil aircraft; all the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[27.5% ad val.]
680.76	Chain sprockets, clutches, universal joints, and parts thereof	[See Annex III]	[45% ad val.]
680.78	Chain sprockets, clutches and universal joints, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[45% ad val.] ".

113. Items 680.57, 680.58, 680.60, and 680.70 are redesignated as "680.81", "680.84", "680.86", and "680.88", respectively.

Schedule 6, Part 5

114. Schedule 6, part 5 is amended by redesignating headnotes 3 and 4 as "4" and "5", respectively, and by inserting the following new headnote 3:

"3. The provisons of this headnote apply to *"television apparatus and parts thereof"* provided for in items 685.11 through 685.19, inclusive, of this part.

(a) The term *"complete"*, as used to describe *television receivers*, means a television receiver, fully assembled, whether or not packaged or tested for distribution to the ultimate purchaser.

(b) For the purposes of item 685.15 and 685.16—

(i) each subassembly that contains as a component, or is covered in the same entry with, one or more of the following television components, viz., tuner, channel selector assembly, antenna, deflection yoke, degaussing coil, picture tube mounting bracket, grounding assembly, parts necessary for fixing the picture tube or tuner in place, consumer operated controls, or speaker, shall be classified in item 685.15; and

(ii) each subassembly shall be counted as a single unit, except that two or more different printed circuit boards of ceramic substrates covered by the same entry and designed for assembly into the same television models shall be counted as one unit.":

115. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Generators . . . :]			
	[Transformers:]			
[682.07]	[Other]			
" 682.08	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	":

116. Item 682.40 is superseded by:

	[Generators . . . :]			
	[Motors:]			
" 682.35	Of over 1/10 but under 1 horsepower	[5% ad val.]	[35% ad val.]	
682.41	Of 1 horsepower or more, but not over 20 horsepower	[See Annex III]	[35% ad val.]	
682.42	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	
	[Generators . . . :]			
	[Motors:]			
682.45	Of over 20 horsepower but under 200 horsepower	[See Annex III]	[35% ad val.]	
682.46	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	":

117. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Generators . . . :]			
[682.60]	[Other]			
" 682.61	Generators, motor-generators, converters (rotary or static) rectifiers and rectifying apparatus, and inductors; all the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	":

118. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

[683.60]	[Ignition . . .]			
" 683.62	Ignition magnetos, magneto-generators, ignition coils, starter motors, spark plugs, glow plugs, and other electrical starting and ignition equipment for internal combustion engines; generators and cut-outs for use in conjunction therewith; all the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, scheduled 6)	Free	[35% ad val.]	":

119. Item 684.30 is superseded by:

	[Electric . . . :]		
	[Other:]		
	"Cooking stoves and ranges, and parts thereof:		
684.25	Microwave ovens	[4% ad val.]	[35% ad val.]
684.26	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]

684.28	Other, including parts	[See Annex III]	[35% ad val.]	
684.31	Cooking stoves and ranges, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

120. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Electric . . . :]			
	[Other:]			
[684.40]	[Furnaces . . . :]			
" 684.42	Furnaces, heaters, and ovens, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

121. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Electric . . . :]			
	[Other:]			
[684.50]	[Other]			
" 684.51	Food warming devices, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

122. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

[684.70]	[Microphones . . .]			
" 684.72	Microphones; loudspeakers, head phones; audio-frequency electric amplifiers; electric sound amplifier sets comprises of the foregoing components; all of the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6	Free	[35% ad val.]	";

123. Item 685.20 is superseded by:

	[Radiotelegraphic . . . :]		
	[Radiotelegraphic . . . :]		
	"Television apparatus, and parts thereof:		
	Television receivers and parts thereof:		
	Having a picture tube:		
685.11	Complete television receivers..	[5% ad val.]	[35% ad val.]
	Assemblies (including kits containing all parts necessary for assembly into complete receivers):		
685.13	Monochrome	[See Annex III]	[35% ad val.]
685.14	Color	[5% ad val.]	[35% ad val.]

	[Radiotelegraphic . . . :]
	[Radiotelegraphic . . . :]
	[Television . . . :]
	[Television . . . :]
	Not having a picture tube: Printed circuit boards and ceramic substrates with components assembled thereon, for color receivers; subassemblies containing one or more of such boards or sub-

	strates, except tuners or convergence assemblies:			
685.15	Entered with components enumerated in headnote 3(b)(1) of this part	[5% ad val.]	[35% ad val.]	
685.16	Other	[5% ad val.] [[1]]	[35% ad val.]	
	Other:			
685.17	Tuners	[5% ad val.]	[35% ad val.]	
685.18	Other	[5% ad val.] [[1]]	[35% ad val.]	
685.19	Other television apparatus and parts thereof	[See Annex III]	[35% ad val.]	";

124. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Radiotelegraphic . . . :]			
	[Radiotelegraphic . . . :]			
	[Other:]			
	[Solid-state . . . :]			
[685.24]	[Other]			
" 685.25	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

125. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Radiotelegraphic . . . :]			
	[Radiotelegraphic . . . :]			
	[Other:]			
	[Other:]			
[685.29]	[Other]			
" 685.31	Radiotelegraphic and radiotelephonic transmission and reception apparatus, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

126. Schedule 6, part 5 is modified by redesignating item 685.30 as "685.33";

127. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Radiotelegraphic . . . :]			
[685.40]	[Tape recorders . . .]			
" 685.41	Tape recorders and dictation recording and transcribing machines; assemblies and subassemblies of such machines, consisting of two or more parts or pieces fastened or joined together, specially designed for installation in civil aircraft; all the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

128. The article description for item 685.55 is modified by deleting "685.20" and substituting "685.11" in lieu thereof;

129. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

[[1] See Annex III for future staged reductions.]

[685.60]	[Radio . . .]		
" 685.61	Radio navigational aid apparatus, radar apparatus, and radio remote control apparatus; assemblies and subassemblies of such apparatus, consisting of 2 or more parts or pieces fastened or joined together, specially designed for installation in civil aircraft; all the foregoing, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)................	Free	[35% ad val.] ";

130. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

[685.70]	[Bells . . .]		
" 685.72	Bells, sirens, indicator panels, burglar and fire alarms, and other sound or visual signalling apparatus, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)................	Free	[35% ad val.] ";

131. Schedule 6, part 5 is modified by redesignating items 686.22 and 686.23 as "686.18" and "686.19", respectively, and inserting the following new items in numerical sequence:

	[Automatic . . . :]		
[686.18]	[Designed . . .]		
" 686.21	Automatic voltage and voltage-current regulators, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)................	Free	[25% ad val.]
	[Automatic . . . :]		
[686.24]	Other		
686.25	Automatic voltage and voltage-current regulators, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)................	Free	[35% ad val.] ";

132. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

	[Electric . . . :]		
	[Filament . . . :]		
[686.60]	[Sealed-beam . . .]		
" 686.62	If certified for use in civil aircraft (see headnote 3, part 6C, schedule C)........	Free	[20% ad val.] ";

133. Items 687.60 and 687.61 are superseded by:

	[Electronic . . . :]		
	"Other:		
687.54	Cathode-ray tubes and parts thereof (including parts of television picture tubes) .	[6% ad val.]	[35% ad val.]
687.56	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)................	[Free]	
687.58	Other................	[See Annex III]	[35% ad val.]
687.62	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)................	[Free]":	

134. Schedule 6, part 5 is modified by adding the following new items in numerical sequence:

[Insulated . . . :]

	[With . . . :]		
[688.12]	[Ignition . . . :]		
688.14	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6).........	Free	[30% ad val.] ";

135. Schedule 6, part 5 is modified by adding the following new item in numerical sequence:

[688.40]	[Electrical . . .]		
" 688.42	Electrical synchros and transducers, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.] ";

Schedule 6, Part 6, Subpart B

136. Schedule 6, part 6B, headnote 1(b) is modified by deleting "or" and substituting "and" in lieu thereof, and by deleting "item 692.27" and inserting "items 692.29 and 692.32, respectively" in lieu thereof;

138. Schedule 6, part 6B is modified by deleting item 692.25;

139. Items 692.27 and 692.28 are superseded by:

	[Chassis . . . :]		
	[Other:]		
	"Other:		
692.29	Automobile truck tractors, if imported without their trailers	[4% ad val.]	[25% ad val.]
692.31	If Canadian article (see headnote 2 of this subpart)............................	[Free]	
692.32	Other..	[See Annex III]	[25% ad val.]
692.33	If Canadian article and original motor-vehicle equipment (see headnote 2 of this subpart)	[Free]";	

140. Schedule 6, part 6B is modified by redesignating item 692.30 and "692.34";

Schedule 6, Part 6, Subpart C

141. Schedule 6, part 6C is modified by adding the following new headnote in numerical sequence:

"3. *Certified for Use in Civil Aircraft:*

(a) Whenever the term *"certified for use in civil aircraft"* is used in an item description in the schedules, the importer shall file a written statement, accompanied by such supporting documentation as the Secretary of the Treasury may require, with the appropriate customs officer stating that the imported article has been imported for use in civil aircraft, that it will be so used, and that the article has been approved for use by the Administrator of the Federal Aviation Administration (F.A.A.) or by the airworthiness authority in the country of exportation, if such approval is recognized by the F.A.A. as an acceptable substitute for F.A.A. certification, or that an application for approval for such use has been submitted to, and accepted by, the Administrator of the F.A.A.

(b) For purposes of this schedule the term *"civil aircraft"* means all aircraft other than aircraft purchased for use by the Department of Defense or the United States Coast Guard.

142. All matter from item 694.15, including the superior heading thereto, to item 694.60, inclusive, is superseded by:

	"Aircraft and spacecraft, and parts thereof:		
	Civil aircraft; spacecraft; and parts of each of the foregoing:		
694.16	Balloons and airships	Free	[27.5% ad val.]
694.21	Gliders	Free	[27.5% ad val.]
694.31	Kites, and parts thereof	[See Annex III]	[50% ad val.]
694.41	Airplanes	Free	[30% ad val.]
694.50	Spacecraft	[See Annex III]	[27.5% ad val.]
694.61	Other parts	[See Annex III]	[27.5% ad val.]
694.62	If certified for use in civil aircraft (see headnote 3 of this subpart)	Free	[27.5% ad val.]
	Other aircraft and parts thereof:		
694.63	Balloons and airships	[4.5 % ad val.]	[27.5% ad val.]
694.64	Gliders	[4.5% ad val.]	[27.5% ad val.]
694.65	Kites, and parts thereof	[See Annex III]	[50% ad val.]
694.66	Airplanes	[5% ad val.]	[30% ad val.]
694.67	Other parts	[See Annex III]	[27.5% ad val.] ";

Schedule 7, Part 1, Subpart A

143. Item 700.85 is superseded by:

	[Other . . . :]		
	"Other:		
700.90	Disposable footwear, designed for one-time use	[See Annex III]	[35% ad val.]
700.95	Other	[12.5% ad val.]	[35% ad val.] ";

Schedule 7, Part 1, Subpart C

144. Schedule 7, part 1C, headnote 3 is modified by deleting "(items 705.62, 705.64, and 705.67 through 705.71)" and substituting "(items 705.67, 705.68, and 705.69)" in lieu thereof;

145. Items 705.62 and 705.64 and the superior heading thereto are superseded by:

	[Gloves . . . :]		
	[Seamed . . . :]		
	[Women's . . . :]		
	[Seamed . . . :]		
" 705.63	Valued over $20 per dozen pairs	[See Annex III]	[50% ad val.] ";

146. Items 705.70 and 705.71 and the superior heading thereto are superseded by:

	[Gloves . . . :]		
	[Seamed:]		
	[Women's . . . :]		
	[Not . . . :]		
" 705.70	Valued over $20 per dozen pairs	[See Annex III]	[50% ad val.] ";

Schedule 7, Part 1, Subpart D

147. Item 706.08 is superseded by:

[Luggage . . . :]

	[Of . . . :]			
	[Luggage . . . :]			
	"Other:			
	Handbags:			
706.07	Valued not over $20 each	[10% ad val.]	[35% ad val.]	
706.09	Valued over $20 each	[See Annex III]	[35% ad val.]	
706.13	Other	[See Annex III]	[35% ad val.]	";

148. Schedule 7, part 1D is modified by redesignating items 706.10, 706.11, 706.12, and 706.14 as "706.15", "706.16", "706.17", and "706.18", respectively;

Schedule 7, Part 2, Subpart A

149. Item 708.53 is superseded by:

	[Refracting . . . :]			
	[Telescopes:]			
	[Not . . . :]			
	"Other:			
708.56	Telescopic sights for rifles	[20% ad val.]	[45% ad val.]	
708.58	Other	[See Annex III]	[45% ad val.]	";

150. Schedule 7, part 2A is modified by redesignating items 708.55, 708.57, and 708.59 as "708.61", "708.63", and "708.65", respectively;

Schedule 7, Part 2, Subpart B

151. Schedule 7, part 2B is modified by adding the following new item in numerical sequence:

[709.45]	[Artificial . . .]			
" 709.46	Gas masks and similar respirators, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";

Schedule 7, Part 2, Subpart C

152. Schedule 7, part 2C is modified by adding the following new item in numerical sequence:

	[Surveying . . . :]			
	[Optical . . . :]			
[710.08]	[Other . . .]			
" 710.09	Optical instruments, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[45% ad val.]	";

153. Schedule 7, part 2C is modified by adding the following new items in numerical sequence:

	[Surveying . . . :]			
	[Other . . . :]			
	[Compasses . . . :]			
[710.14]	[Gyroscopic . . .]			
" 710.15	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[35% ad val.]	";
[710.16]	[Other . . .]			
710.17	Compasses, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[45% ad val.]	";

154. Schedule 7, Part 2C is modified by adding the following new item in numerical sequence:

[Surveying . . . :]

		[Other . . . :]			
	[710.30]	[Automatic . . .]			
"	710.31	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6).........	Free	[35% ad val.]	";

155. Schedule 7, part 2C is modified by adding the following new item in numercial sequence:

		[Surveying . . . :]			
		[Other . . . :]			
		[Other:]			
	[710.46]	[Navigational . . .]			
"	710.47	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..	Free	[30% ad val.]	";

Schedule 7, Part 2, Subpart D

156. Schedule 7, part 2D, headnote 2 is modified by deleting "712.51" and substituting "712.52" in lieu thereof;

157. Schedule 7, part 2D is modified by redesignating items 711.34, 711.36 and 711.37 as "711.31", "711.32", and "711.38", respectively, and adding the following new items in numerical sequence:

		[Hydrometers . . . :]			
		[Thermometers . . . :]			
		[Nonrecording . . . :]			
		[Thermometers:]			
		[Liquid-filled . . . :]			
	[711.32]	[Other]			
"	711.33	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)...	Free	[85% ad val.]	";
	[711.38]	[Other]			
	711.39	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)...	Free	[40% ad val.]	";

158. Schedule 7, part 2D is modified by redesignating item 711.82 as "711.75" and adding the following new item in numerical sequence:

		[Pressure . . . :]			
		[Flow . . . :]			
	[711.75]	[Instruments . . .]			
"	711.76	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6).........	Free	[$4.50 each + 65% ad val.]	";

159. Schedule 7, part 2D is modified by redesignating items 711.83, 711.84, and 711.85 as "711.77", "711.78", and "711.79", respectively, and adding the following new item in numerical sequence:

		[Pressure . . . :]			
	[711.78]	[Other]			
"	711.81	Instruments and apparatus, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..	Free	[35% ad val.]	";

160. Schedule 7, part 2D is modified by adding the following new item in numerical sequence:

		[Revolution . . . :]			
	[711.98]	[Other]			
"	712.00	Speedometers and tachometers, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..	Free	[35% ad val.]	";

161. Schedule 7, part 2D is modified by adding the following new item in numerical sequence:

	[Electrical . . . :]		
[712.05]	[Optical . . .]		
" 712.06	Optical instruments or apparatus, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[50% ad val.] ";

162. Schedule 7, part 2D is modified by adding the following new items in numerical sequence:

	[Electrical . . . :]		
	[Other:]		
[712.47]	[Automatic . . .]		
" 712.48	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[40% ad val.]
[712.49]	[Other]		
712.52	Electrical measuring, checking, analyzing or automatically-controlling instruments and apparatus, if certified for use ir civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[40% ad val.] ";

Schedule 7, Part 2, Subpart E (as provided in the Trade Agreements Act of 1979, Sec. 510)

163. Schedule 7, part 2E is modified by deleting headnote 3(a) and by redesignating headnotes 3(b), (c), (d), (e), and (f) as "3(a)", "(b)", "(c)", "(d)", and "(e)", respectively;

164. Schedule 7, part 2E, headnote 3(a) (as redesignated herein) is modified to read as follows:

> "3. (a) The complete citation for watches covered by item 715.05 and clocks covered by items 715.15 and 715.16 shall be each of such item numbers, followed by the appropriate item numbers for the respective movements and cases comprising such watches or clocks. Thus, item 715.05–716.04–720.20 is the correct citation for a watch in a gold case with a movement having over 17 jewels and valued not over $15.";

165. Schedule 7, part 2E, headnote 3(b) (as redesignated herein) is modified to read as follows:

> "(b) In this subpart, each of the rates of duty provided for watch movements, having no jewels or not over 17 jewels, not adjusted, not self-winding, and not constructed or designed to operate for a period in excess of 47 hours without rewinding (items 716.10 through 716.44, inclusive) is also the "base rate" for watch movements having the same width and number of jewels covered by item 719.—. For citation purposes, the two blanks on the end of such item number shall be filled in with the last two digits of the item number for the applicable base rate. Thus, "item 719.38" would be the citation for a watch movement, 0.7 inch wide, having 17 jewels, which is adjusted or self-winding or constructed or designed to operate for a period in excess of 47 hours without rewinding, and valued not over $15.";

166. Schedule 7, part 2E, headnote 4(a) is modified by deleting "in Arabic numerals and" in paragraphs (iii) and (iv) of the headnote;

167. Schedule 7, part 2E, headnote 4(e) is modified to read as follows:

"(e) Dials shall be marked to show the name of the country of manufacture.";

168. Schedule 7, part 2E, headnote 6(b) is modified by deleting "716.08" and substituting "716.04" in lieu thereof;

169. Items 715.05 and 715.15 are modified by deleting "(b)" in the item column and substituting "(a)" in lieu thereof;

170. Schedule 7, part 2E, is modified by adding the following new item in numerical sequence:

	[Clocks:]		
[715.15	[With . . .]		
" 715.16 (see headnote 3(a))	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[The column 2 rates applicable to the cases, plus the column 2 rates applicable to the movements, if such cases and movements were imported separately] ";

171. Item 716.08 is superseded by:

	[Watch . . . :]		
	"Having over 17 jewels:		
716.04	Valued not over $15 each	[$5.37 each]	[$10.75 each]
716.06	Valued over $15 each	[See Annex III]	[$10.75 each] ";

172. Items 716.10 through 716.26, inclusive, are superseded by:

	[Watch . . . :]		
	[Having . . . :]		
	[Not . . . :]		
	[Having . . . :]		
" 716.10	Not over 0.6 inch in width	[See Annex III]	[$1.50 each]
716.18	Over 0.6 but not over 1.77 inches in width	[See Annex III]	$1.50 each][1]
	Having over 1 jewel but not over 7 jewels:		
716.20	Not over 0.6 inch in width	[See Annex III]	[$2.50 each]
716.27	Over 0.6 but not over 0.9 inch in width	[See Annex III]	[$2.50 each] [1]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 510.]

716.28	Over 0.9 but not over 1 inch in width	[See Annex III]	[$2.50 each] [1]
716.29	Over 1 but not over 1.77 inches in width	[See Annex III]	[$2.50 each][1] ";

173. Items 716.30 through 716.36, inclusive, are superseded by:

	[Watch . . . :]		
	[Having . . . :]		
	[Not . . . :]		
	[Having . . . :]		
	"Valued not over $15 each:		
716.37	Not over 0.6 inch in width	[$1.80 each + 9¢ for each jewel over 7]	[$2.50 each + 15¢ for each jewel over 7]
716.38	Over 0.6 but not over 0.9 inch in width	[$1.35 each + 9¢ for each jewel over 7]	[$2.50 each + 15¢ for each jewel over 7] [1]
	[Watch . . . :]		
	[Having . . . :]		
	[Not . . . :]		
	[Having . . . :]		
	[Valued . . . :]		
716.39	Over 0.9 but not over 1 inch in width	[$1.20 each + 9¢ for each jewel over 7]	[$2.50 each + 15¢ for each jewel over 7] [1]
716.40	Over 1 but not over 1.77 inches in width	[90¢ each + 9¢ for each jewel over 7]	[$2.50 each + 15¢ for each jewel over 7] [1]
	Valued over $15 each:		
716.41	Not over 0.6 inch in width	[See Annex III]	[$2.50 each + 15¢ for each jewel over 7] [1]
716.42	Over 0.6 but not over 0.9 inch in width	[See Annex III]	[$2.50 each + 15¢ for each jewel over 7] [1]
716.43	Over 0.9 but not over 1 inch in width	[See Annex III]	[$2.50 each + 15¢ for each jewel over 7] [1]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 510.]

716.44	Over 1 but not over 1.77 inches in width	[See Annex III]	[$2.50 each + 15¢ for each jewel over 7] "; [1]

174. Items 717.— through 719.—, inclusive, are superseded by:

	[Watch . . . :]		
	[Having . . . :]		
" 719.— (see headnote 3(b))	Adjusted or self-winding, whether or not adjusted, (or if a self-winding device can be incorporated therein), or constructed or designed to operate for a period in excess of 47 hours without rewinding	[See Annex III]	[Column 2 base rate + $1 each if selfwinding + $1 for each adjustment] "; [1]

175. Schedule 7, part 2E is modified by adding the following new item in numerical sequence:

	[Clock . . . :]		
	[Measuring . . . :]		
	[Constructed . . . :]		
[720.08]	[Having . . .]		
" 720.09	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[$2.25 each + 15¢ for each jewel over 7] ";

Schedule 7, Part 3, Subpart A

176. Item 725.06 is superseded by:

	[Stringed . . . :]		
	"Other stringed instruments:		
	Guitars:		
725.05	Valued not over $100 each	[See Annex III]	[40% ad val.]
725.07	Other	[See Annex III]	[40% ad val.]
725.08	Other	[See Annex III]	[40% ad val.] ";

Schedule 7, Part 3, Subpart B

177. The article description for item 726.55 is modified by deleting "item 725.06" and substituting "items 725.05, 725.07, or 725.08" in lieu thereof;

Schedule 7, Part 4, Subpart A

178. Schedule 7, part 4A is modified by redesignating items 727.31 and 727.32 as "727.23" and "727.25", respectively;
179. Item 727.33 is superseded by:

	[Furniture . . . :]			
	[Of wood:]			
	[Other:]			
	[Chairs:]			
	"Other:			
727.27	Of teak	[See Annex III]	[40% ad val.]	
727.29	Other	[See Annex III]	[40% ad val.]	";

180. Schedule 7, part 4A is modified by redesignating item 727.48 as "727.50" and by adding the following new items in numerical sequence:

	[Furniture . . . :]			
	[Of rubber . . . :]			
[727.47]	[Of . . .]			
" 727.49	Furniture, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[65% ad val.]	
[727.50]	[Other]			
727.51	Furniture, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[25% ad val.]	
[727.52]	[Of copper]			
[727.55]	[Other]			
727.56	Furniture, except of leather, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[45% ad val.]	";

Schedule 7, Part 5, Subpart C

181. Items 732.20 and 732.22 are superseded by:

	[Bicycles:]			
	[Having . . . :]			
	[Other:]			
" 732.21	Valued not over $16.66⅔ each	[See Annex III]	[30% ad val.]	";

182. Item 732.39 is superseded by:

	[Parts . . . :]			
" 732.41	Variable speed hubs (except three speed) with internal gear-changing mechanisms, whether or not incorporating a coaster brake; derailleurs; drum brakes; click twist grips; click stick levers; cotterless type crank sets; rims; parts of all the foregoing and parts of bicycles consisting of sets of steel tubing cut to exact length and each set having the number of tubes needed for the assembly (with other parts) into the frame and fork of one bicycle	[See Annex III]	[30% ad val.]	
732.42	Other parts of bicycles	[See Annex III]	[30% ad val.]	";

183. Schedule 7, part 5C is modified by redesignating item 732.40 as "732.43";

Schedule 7, Part 5, Subpart D

184. Item 734.96 is superseded by:

	[Skis . . . :]			
	"Skis and snowshoes:			
735.01	Cross-country skis	[See Annex III]	[33⅓% ad val.]	
735.02	Other	[See Annex III]	[33⅓% ad val.]	";

185. Schedule 7, part 5D is modified by redesignating item 734.98 as "735.03";
186. Item 734.99 is superseded by:

	[Skis . . . :]		
	"Other:		
735.04	Cross-country ski equipment and parts thereof	[See Annex III]	[45% ad val.]
735.06	Other	[See Annex III]	[45% ad val.] ";

187. Schedule 7, part 5D is modified by redesignating item 735.05 as "735.07";

Schedule 7, Part 8, Subpart A

188. Schedule 7, part 8A is modified by deleting the superior heading to items 750.26 and 750.27 and inserting in lieu thereof "Valued not over 45¢ each:", and by deleting the item description for item 750.28 and inserting in lieu thereof "Valued over 45¢ each" (as provided in the Trade Agreements Act of 1979, Sec. 511);

189. Schedule 7, part 8A is modified by deleting item 750.33;

Schedule 7, Part 12, Subpart B

190. Item 771.42 is superseded by:

	[Film . . . :]		
	[Not . . . :]		
	[Film . . . :]		
	"Other:		
771.41	Of materials other than polyester, polyvinyl chloride, polyethylene, or polypropylene, over 0.006 inch in thickness, and not in rolls	[6% ad val.]	[25% ad val.]
771.43	Other	[6% ad val.]	[25% ad val.] ";

Schedule 7, Part 12, Subpart C

191. Schedule 7, part 12C is modified by adding the following new item in numerical sequence:

	[Tires . . . :]		
	[Pneumatic . . . :]		
[772.45]	[Airplane]		
" 772.46	If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[30% ad val.] ";

192. The article description for item 772.50 is modified by deleting "692.30" and substituting "692.34" in lieu thereof;

193. Schedule 7, part 12C is modified by adding the following new item in numerical sequence:

[772.65]	[Hose . . .]		
" 772.67	Hose, pipe, and tubing; all the foregoing with attached fittings, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free	[25% ad val.] ";

194. Item 772.70 is superseded by:

	"Wall coverings (including wall tiles), not specially provided for, of rubber or plastics, with or without applied adhesives:		
772.69	Vinyl-coated, fabric-backed wall coverings	[6% ad val.]	[25% ad val.]
772.71	Other	[6% ad val.]	[25% ad val.] ";

Schedule 7, Part 12, Subpart D

195. Item 774.60 is superseded by:

[Articles . . . :]
"Other:

774.45	Artificial flowers, trees, foliage, fruits, vegetables, grasses, or grains, all the foregoing, wholly or almost wholly of plastics, other than articles classifiable in item 748.20	[8.5% ad val.]	[80% ad val.]
774.50	Parts of footwear	[8.5% ad val.] [1]	[80% ad val.]
774.55	Other	[8.5% ad val.]	[80% ad val.] ";

Schedule 7, Part 13, Subpart B

196. Item 791.26 is superseded by:

	[Leather . . . :]		
	"Other:		
791.27	Uppers	[5% ad val.] [1]	[15% ad val.]
791.28	Other	[5% ad val.]	[15% ad val.] ";

Schedule 8, Part 1, Subpart A

197. Schedule 8, part 1A is modified by deleting item 802.40;

Schedule 8, Part 4

198. Schedule 8, part 4, headnote 6(a)(ii) is modified by deleting "694.15, 694.50" and inserting "694.16, 694.50, 694.63" in lieu thereof;

Schedule 8, Part 7 (as provided in the Trade Agreements Act of 1979, Sec. 512)

199. Schedule 8, part 7is modified by adding the following new headnote:

"2. The provisions of items 870.40 and 870.45 do not apply to—

(i) articles of textile materials; articles provided for in schedule 5; articles of leather or of fur on the skin;

(ii) articles provided for in schedule 6, part 2, part 3 (subparts A through F except items 652.13 through 652.38, inclusive, 652.84, 652.86, 653.00, and 653.01), part 5 (except item 688.40) or part 6, but interchangeable agricultural and horitcultural implements are classifiable in item 870.40 even if mounted at the time of importation on a tractor provided for in part 6B of schedule 6;

(iii) ball or roller bearings, including such bearings with integral shafts, and parts thereof, provided for in items 680.33 through 680.35, inclusive; or

(iv) articles provided for in item 666.00.";

200. Schedule 8, part 7 is modified by inserting in numerical sequence the following new items:

" 870.40	Machinery, equipment, and implements to be used for agricultural or horiticultural purposes	Free	[The column 2 rate applicable in the absence of this item]
870.45	Parts to be used in articles provided for in item 666.00, whether or not such parts are chiefly used as parts of such articles and whether or not covered by a specific provision within the meaning of general interpretative rule 10(ij)	Free	[The column 2 rate applicable in the absence of this item] ";

[[1] See Annex III for future staged reductions.]

Appendix, Part 1, Subpart B

201. Subpart B, part 1 of the appendix is modified by deleting items 903.50 and 903.51, and the superior heading thereto;

202. The article description for item 903.60 is modified by deleting "141.81" and substituting "141.88" in lieu thereof;

203. The effective period column applicable to items 905.10 and 905.11 is modified by deleting "On or before 6/30/80" and inserting "On or before 6/30/85" in lieu thereof (as provided in the Trade Agreements Act of 1979, Sec. 513);

204. The article description for item 909.01 is modified by deleting "517.24, or 517.24," and substituting "or 517.27," in lieu thereof;

205. Subpart B, part 1 of the appendix is modified by deleting item 911.07;

206. The article description for item 912.10 is modified by deleting "732.39" and substituting "732.41" in lieu thereof;

Appendix, Part 2, Subpart A

207. Headnote 3(a)(i) in part 2A, of the appendix is modified by deleting "700.85" and inserting "700.90" in lieu thereof;

208. The article description for item 923.18 is modified by deleting "607.31" and substituting "606.24" in lieu thereof;

209. The article description for item 923.20 is modified by deleting "608.85, 608.88, 609.06, 609.07, and 609.08" and substituting "607.76, 607.90, 608.29, 608.43, and 608.57" in lieu thereof;

210. The article description for item 923.21 is modified by deleting "608.85 and 608.88" and substituting "607.76 and 607.90" in lieu thereof;

211. The article description for item 923.22 is modified by deleting "608.52" and substituting "606.90" in lieu thereof;

212. The article description for item 923.23 is modified by deleting "608.76 and 608.78" and substituting "607.26 and 607.43" in lieu thereof;

213. The article description for item 923.26 is modified by deleting "608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08" and substituting "606.95, 607.28, 607.34, 607.46, 607.54, 607.72, 607.88, 608.34, 608.49, and 608.64" in lieu thereof;

214. The superior heading to items 923.74 and 923.76 is modified by deleting "item 685.20" and substituting "items 685.11 and 685.14" in lieu thereof;

215. The superior heading to items 923.78 and 923.79 is modified by deleting "685.20" and substituting "685.15" in lieu thereof;

216. The superior heading to items 923.81 and 923.83 is deleted and the following new superior heading inserted in lieu thereof:

"Color television receivers, having a picture tube, provided for in items 685.11 and 685.14; printed circuit boards and ceramic substrates with components assembled thereon for color television receivers and subassemblies containing one or more of such boards or substrates (except tuners or convergence assemblies), all the foregoing not having a picture tube, and entered with components enumerated in headnote 5(a)(i) and with all or part of a chassis frame, provided for in item 685.15:";

217. The article description for item 923.92 is modified by deleting "700.66 through 700.85" and "700.85" and substituting "700.66 through 700.95" and "700.90", respectively, in lieu thereof;

218. The article description for item 923.94 is modified by deleting "700.66 through 700.85" and "700.85" and substituting "700.66 through 700.95" and "700.90", respectively, in lieu thereof;

Appendix, Part 2, Subpart B

219. Subpart B, part 2 of the appendix is modified by deleting items 945.13, 945.17, 945.18, 945.19, 945.20, and 945.49, and the superior headings thereto;

Appendix, Part 2, Subpart C

220. Subpart C, part 2 of the appendix is modified by deleting items 946.02 and 946.62, and by deleting item 946.54 and the two superior headings immediately precedent thereto;

Appendix, Part 3

221. The article description for item 950.10D is modified by deleting "and 117.85" and substituting ", 117.86, and 117.88" in lieu thereof;

222. The article description for item 950.16 is modified by deleting "182.98" and substituting "182.99" in lieu thereof;

223. The article description for item 950.17 is modified by deleting "184.75" and substituting "184.80" in lieu thereof;

224. The article description for item 950.19 is modifed by deleting "182.98" and "493.16" and substituting "182.99" and "493.14" in lieu thereof;

225. The article description for item 950.23 is modified by deleting "182.98" and substituting "182.99" in lieu thereof.

Section B. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1981

Schedule 1, Part 9, Subpart B

1. Schedule 1, part 9B is modified by deleting items 149.61 and 150.03;

Appendix, Part 2, Subpart C

2. The appendix, part 2C is modified by deleting item 946.14.

Section C. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1982:

Schedule 1, Part 9, Subpart C

1. Schedule 1, part 9C is modified by deleting item 152.44;

Schedule 1, Part 15, Subpart F

2. Schedule 1, part 15F is modified by deleting item 190.94;

Schedule 3, Headnotes

3. Schedule 3, headnote 6 is superseded by:

"6. For the purposes of this schedule, the term *"Certified hand-loomed and folklore products"* **refers to hand-loomed fabrics of the cottage industry, hand-made cottage industry products made of such hand-loomed fabrics, and traditional folklore handicraft textile products, provided such fabrics and products have been certified, in accordance with regulations issued by the Secretary of the Treasury, by an official of a government agency of the country where the fabrics or products were produced, to have been so made.";**

Schedule 3, Part 2

4. Item 316.60 is suspended by:

	[Cordage:]			
	"Of man-made fibers:			
316.55	Measuring under 3/16 inch in diameter	[See Annex III]	[76.5% ad val.] [1]	
316.58	Measuring 3/16 inch or over in diameter	[12.5¢ per lb. + 15% ad val.]	[76.5% ad val.] [1]	";

Schedule 3, Part 3, Subpart A

5. Schedule 3, part 3A, headnote 4(i) is modified by deleting "0.23" and substituting "0.17" in lieu thereof;

6. Schedule 3, part 3A, headnote 4(ii) is modified by deleting "0.3" and substituting "0.22" in lieu thereof;

Schedule 3, Part 3, Subpart C

7. Item 336.60 is superseded by:

	[Woven . . . :]			
	[Other:]			
	[Other:]			
" 336.62	Valued over $2 per pound but not over $9 per pound	[See Annex III]	[68.5% ad val.] [1]	
336.64	Valued over $9 per pound	[See Annex III]	[68.5% ad val.] [1]	";

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

Schedule 3, Part 3, Subpart E

8. Item 338.30 is superseded by:

	[Woven . . . :]		
	[Other:]		
	"Other:		
338.40	Wholly of continuous man-made fibers, yarn dyed, the thread count of which per inch (treating ply yarns as single threads) is over 175 but not over 360 in the warp and over 79 but not over 180 in the filling	[See Annex III]	[81% ad val.] [¹]
338.50	Other	[See Annex III]	[81% ad val.] [¹] ";

Schedule 3, Part 6, Subpart F

9. Items 380.00 through 382.87, including the superior headings thereto, are superseded by:

	"Men's or boys' lace or net wearing apparel, whether or not ornamented, and other men's or boys' wearing apparel, ornamented:		
	Of Cotton:		
379.00	Certified hand-loomed and folklore product	[See Annex III]	[90% ad val.]
	Other:		
	Knit:		
379.02	Coats, suits, vests, trousers, slacks, shorts, shirts, and sweaters	[See Annex III]	[90% ad val.]
379.04	Other	[See Annex III]	[90% ad val.]
	Not knit:		
379.06	Coats, shirts, suits, vests, trousers, slacks and shorts	[See Annex III]	[90% ad val.]
379.08	Other	[See Annex III]	[90% ad val.]
	Of wool:		
379.11	Certified hand-loomed and folklore products	[See Annex III]	[90% ad val.]
	Other:		
	Knit:		
379.13	Coats, suits, trousers, slacks, and shorts	[See Annex III]	[90% ad val.]
379.15	Other	[See Annex III]	[90% ad val.]
	Not Knit:		
379.17	Coats, shirts, suits, trousers, slacks, and shorts	[See Annex III]	[90% ad val.]
379.20	Other	[See Annex III]	[90% ad val.]
	Of man-made fibers:		
	Knit:		
379.23	Coats, suits, swimming trunks and other swimwear, trousers, slacks, and shorts	[See Annex III]	[90% ad val.]

[¹ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

379.26	Shirts and sweaters	[See Annex III]	[90% ad val.]
379.28	Other	[See Annex III]	[90% ad val.]
	Not knit:		
379.31	Coats, shirts, suits, swimming trunks and other swimwear, trousers, slacks and shorts	[See Annex III]	[90% ad val.]
379.33	Other	[See Annex III]	[90% ad val.]
379.35	Other	[See Annex III]	[90% ad val.]
	Other men's or boys' wearing apparel, not ornamented:		
	Of cotton:		
	Knit:		
379.37	Certified hand-loomed and folklore products	[See Annex III]	[45% ad val.]
	Other:		
379.39	Coats, suits, vests, trousers, slacks, and shorts	[See Annex III]	[45% ad val.]
379.40	Shirts and sweaters	[21% ad val.]	[45% ad val.]
379.41	Other	[See Annex III]	[45% ad val.]
	Not knit:		
	Coats:		
379.43	Valued not over $4 each	[See Annex III]	[37.5% ad val.]
	Valued over $4 each:		
379.45	Certified hand-loomed and folklore products	[See Annex III]	[37.5% ad val.]
379.46	Other	[8% ad val.]	[37.5% ad val.]
	Dressing gowns, including bathrobes, and beach robes:		
379.48	Valued not over $2.50 each	[See Annex III]	[37.5% ad val.]
379.49	Valued over $2.50 each	[8% ad val.]	[37.5% ad val.]
	Pajamas:		
379.51	Valued not over $1.50 per suit	[See Annex III]	[37.5% ad val.]
379.52	Valued over $1.50 per suit	[8% ad val.]	[37.5% ad val.]
	Shirts:		
379.54	Certified hand-loomed and folklore products	[See Annex III]	[45% ad val.]
379.55	Other	[21% ad val.]	[45% ad val.]
379.56	Shirt collars and cuffs	[See Annex III]	[20% ad val.]
	Vests:		
379.57	Valued not over $2 each	[See Annex III]	[37.5% ad val.]
379.58	Valued over $2 each	[8% ad val.]	[37.5% ad val.]

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

	Other:		
379.60	Certified hand-loomed and folklore products	[See Annex III]	[37.5% ad val.]
	Other:		
379.62	Suits, trousers, slacks, and shorts	[16.5% ad val.]	[37.5% ad val.]
379.63	Judo, karate, and other oriental martial arts uniforms	[See Annex III]	[37.5% ad val.]
379.64	Other	[See Annex III]	[37.5% ad val.]
	[Other . . . :]		
	Of vegetable fibers, except cotton:		
379.66	Knit	[See Annex III]	[45% ad val.]
	Not knit:		
379.68	Shirt collars and cuffs	[See Annex III]	[10% ad val.]
379.69	Other	[See Annex III]	[35% ad val.]
	Of wool:		
	Knit:		
	Valued not over $5 per pound:		
379.71	Coats, suits, trousers, slacks, and shorts	[See Annex III]	[63% ad val.] [1]
379.72	Other	[See Annex III]	[63% ad val.] [1]
	Valued over $5 per pound:		
379.74	Sweaters valued over $18 per pound wholly of cashmere	[See Annex III]	[52% ad val.] [1]
379.75	Coats, suits, trousers, slacks, and shorts	[See Annex III]	[54.5% ad val.] [1]
379.76	Other	[See Annex III]	[54.5% ad val.] [1]
	Not knit:		
	Valued not over $4 per pound:		
379.78	Coats, shirts, suits, trousers, slacks, and shorts	[See Annex III]	[58% ad val.] [1]
379.79	Other	[See Annex III]	[58% ad val.] [1]
	Valued over $4 per pound:		
379.81	Certified hand-loomed and folklore products	[See Annex III]	[58.5% ad val.] [1]
	Other:		
379.83	Coats, shirts, suits, trousers, slacks, and shorts	[See Annex III]	[58.5% ad val.] [1]
379.84	Other	[See Annex III]	[58.5% ad val.] [1]
	Of silk:		
379.86	Knit	[See Annex III]	[60% ad val.]
379.87	Not knit	[See Annex III]	[65% ad val.]
	Of man-made fibers:		
	Knit:		

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

379.89	Coats, suits, trousers, slacks, and shorts	[See Annex III]	[72% ad val.] [1]
379.90	Shirts and sweaters	[See Annex III]	[72% ad val.] [1]
379.91	Swimming trunks and other swimwear	[See Annex III]	[72% ad val.] [1]
379.92	Other	[See Annex III]	[72% ad val.] [1]
	[Other . . . :]		
	[Of man-made . . . :]		
	Not knit:		
379.94	Certified hand-loomed and folklore products	[See Annex III]	[76% ad val.] [1]
	Other:		
379.95	Coats, shirts, suits, swimming trunks and other swimwear, trousers, slacks, and shorts	[See Annex III]	[76% ad val.] [1]
379.96	Other	[See Annex III]	[76% ad val.] [1]
379.98	Other	[See Annex III]	[40% ad val.]
	Women's, girls', or infants' lace or net wearing apparel, whether or not ornamented, and other women's, girls', or infants' wearing apparel, ornamented:		
	Of cotton:		
383.00	Certified hand-loomed and folklore products	[See Annex III]	[90% ad val.]
	Other:		
	Knit:		
383.02	Blouses, shirts, sweaters, coats, suits, trousers, slacks, and shorts	[See Annex III]	[90% ad val.]
383.03	Other	[See Annex III]	[90% ad val.]
	Not knit:		
383.05	Blouses, coats, and shirts	[See Annex III]	[90% ad val.]
383.06	Suits, vests, trousers, slacks, and shorts	[See Annex III]	[90% ad val.]
383.08	Other	[See Annex III]	[90% ad val.]
	Of wool:		
383.10	Certified hand-loomed and folklore products	[See Annex III]	[90% ad val.]
	Other:		
	Knit:		
383.12	Coats	[See Annex III]	[90% ad val.]
383.13	Other	[See Annex III]	[90% ad val.]
	Not knit:		
383.15	Blouses, coats, and shirts	[See Annex III]	[90% ad val.]
383.16	Other	[See Annex III]	[90% ad val.]

	[Women's . . . :]		
	Of man-made fibers:		
	Knit:		
383.18	Blouses, body suits and body shirts, shirts, and sweaters	[See Annex III]	[90% ad val.]
383.19	Coats, suits, swimming suits and other swimwear, tops, trousers, slacks, and shorts	[See Annex III]	[90% ad val.]
383.20	Other	[See Annex III]	[90% ad val.]
	Not knit:		
383.22	Blouses, coats, shirts, suits, swimming suits and other swimwear, trousers, slacks, and shorts	[See Annex III]	[90% ad val.]
383.23	Other	[See Annex III]	[90% ad val.]
383.25	Other	[See Annex III]	[90% ad val.]
	Other women's, girls' or infants' wearing apparel, not ornamented:		
	Of cotton:		
	Knit:		
383.27	Blouses, shirts, and sweaters	[21% ad val.]	[45% ad val.]
383.28	Coats, suits, trousers, slacks, and shorts	[See Annex III]	[45% ad val.]
383.29	Dresses	[See Annex III]	[45% ad val.]
383.30	Other	[See Annex III]	[45% ad val.]
	Not knit:		
	Coats:		
383.32	Valued not over $4 each	[See Annex III]	[37.5% ad val.]
	Valued over $4 each:		
383.33	Certified hand-loomed and folklore products	[See Annex III]	[37.5% ad val.]
383.34	Other	[8% ad val.]	[37.5% ad val.]
	Dressing gowns, including bathrobes, and beach robes:		
383.36	Valued not over $2.50 each	[See Annex III]	[37.5% ad val.]
383.37	Valued over $2.50 each	[8% ad val.]	[37.5% ad val.]
	Pajamas:		
383.39	Valued not over $1.50 per suit	[See Annex III]	[37.5% ad val.]
383.40	Valued over $1.50 per suit	[8% ad val.]	[37.5% ad val.]
	Vests:		
383.42	Valued not over $2 each	[See Annex III]	[37.5% ad val.]
383.43	Valued over $2 each	[8% ad val.]	[37.5% ad val.]
	[Other . . . :]		
	[Of cotton:]		
	[Not knit:]		
	Other:		

383.45	Certified hand-loomed and folklore products	[See Annex III]	[37.5% ad val.]
	Other:		
383.47	Blouses, shirts, suits, trousers, slacks, and shorts	[16.5% ad val.]	[37.5% ad val.]
383.48	Dresses	[See Annex III]	[37.5% ad val.]
383.49	Judo, karate, and other oriental martial arts uniforms	[See Annex III]	[37.5% ad val.]
383.50	Other	[See Annex III]	[37.5% ad val.]
	Of vegetable fibers, except cotton:		
383.52	Knit	[See Annex III]	[45% ad val.]
383.53	Not knit	[See Annex III]	[35% ad val.]
	Of wool:		
	Knit:		
383.55	Infants' outerwear	[See Annex III]	[78.5% ad val.] [1]
	Other:		
	Valued not over $5 per pound:		
383.57	Coats	[See Annex III]	[63% ad val.] [1]
383.58	Other	[See Annex III]	[63% ad val.] [1]
	Valued over $5 per pound:		
383.60	Sweaters valued over $18 per pound wholly of cashmere	[See Annex III]	[52% ad val.] [1]
383.62	Coats	[See Annex III]	[54.5% ad val.] [1]
383.63	Other	[See Annex III]	[54.5% ad val.] [1]
	Not knit:		
	Valued not over $4 per pound:		
383.65	Blouses, coats, and shirts	[See Annex III]	[58% ad val.] [1]
383.66	Other	[See Annex III]	[58% ad val.] [1]
	Valued over $4 per pound:		
383.68	Certified hand-loomed and folklore products	[See Annex III]	[58.5% ad val.] [1]
	[Other . . . :]		
	[Of wool:]		
	[Not knit:]		
	[Valued . . . :]		
	Other:		
383.70	Blouses and shirts	[37.5¢ per lb. + 21% ad val.]	[58.5% ad val.] [1]
383.72	Coats	[See Annex III]	[58.5% ad val.] [1]
383.75	Other	[See Annex III]	[58.5% ad val.] [1]
	Of silk:		
383.77	Knit	[See Annex III]	[60% ad val.]
383.78	Not knit	[See Annex III]	[65% ad val.]

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[1] [This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

	Of man-made fibers:		
	Knit:		
383.80	Blouses, body suits and body shirts, shirts, and sweaters	[See Annex III]	[72% ad val.] [1]
383.81	Coats, suits, tops, trousers, slacks, and shorts	[See Annex III]	[72% ad val.] [1]
	Swimming suits and other swimwear:		
383.83	Valued not over $10 each	[See Annex III]	[72% ad val.] [1]
383.84	Valued over $10 each	[See Annex III]	[72% ad val.] [1]
383.86	Other	[See Annex III]	[72% ad val.] [1]
	Not knit:		
383.88	Certified hand-loomed or folklore products	[See Annex III]	[76% ad val.] [1]
	Other:		
383.90	Blouses, coats, shirts, suits, trousers, slacks, and shorts	[See Annex III]	[76% ad val.] [1]
383.92	Other	[See Annex III]	[76% ad val.] [1]
383.95	Other	[See Annex III]	[40% ad val.] ";

Appendix, Part 2, Subpart C

10. The appendix, part 2C is modified by deleting items 946.50, 946,58, 946.68, and items 946.64 and 946.66, and the superior heading thereto.

Section D. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1983:

Schedule 1, Part 9, Subpart B

1. Schedule 1, part 9B is modified by deleting item 148.99;

Appendix, Part 2, Subpart C

2. The appendix, part 2C is modified by deleting items 946.42, 946.46, and item 946.56, and the superior heading thereto.

Section E. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1984:

Appendix, Part 2, Subpart C

1. Subpart C, part 2 of the appendix is deleted.

Section F. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1985:

Schedule 7, Part 2, Subpart E

1. Schedule 7, part 2E, headnote 3(b) is modified by deleting "716.10" and "716.44" and substituting "716.09" and "716.45", respectively, in lieu thereof;
2. Items 716.10 and 716.18, including the superior heading thereto, are superseded by:

	[Watch . . . :]		
	[Having . . . :]		
	[Not . . . :]		
" 716.09	Having no jewels or only 1 jewel	36¢ each	[$1.50 each] ";

3. Items 716.20 through 716.29, inclusive, including the superior heading thereto, are superseded by:

[[1] This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 514.]

	[Watch . . . :]		
	[Having . . . :]		
	[Not . . . :]		
" 716.17	Having over 1 jewel but not over 7 jewels........	72¢ each	[$2.50 each] ";

4. Items 716.41 through 716.44, inclusive, including the superior heading thereto, are superseded by:

	[Watch . . . :]		
	[Having . . . :]		
	[Not . . . :]		
	[Having . . . :]		
" 716.45	Valued over $15 each........	72¢ each + 4¢ for each jewel over 7	[$2.50 each + 15¢ for each jewel over 7] ".

Section G. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1986:

Schedule 1, Part 9, Subpart B

1. Schedule 1, part 9B is modified by deleting item 148.23.

Section H. Effective as to articles entered or withdrawn from warehouse, for consumption on and after January 1, 1987:

Schedule 1, Part 6, Subpart A

1. Schedule 1, part 6A is modified by deleting item 125.51;

Schedule 3, Part 2

2. Schedule 3, part 2 is modified by deleting items 315.41 and 315.56.

Section I. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1988:

Schedule 1, Part 3, Subpart A

1. Schedule 1, part 3A, headnote 1 is deleted;
2. Items 110.50 and 110.55 and the superior heading thereto are superseded by:

	[Fish . . . :]		
	[Other:]		
	[Otherwise . . . :]		
" 110.52	Cod, cusk, haddock, hake, pollock, and Atlantic ocean perch (rosefish)........	1.875¢ per lb.	[2.5¢ per lb.] ";

Schedule 1, Part 8, Subpart A

3. Items 137.20 and 137.21 and the superior heading thereto are superseded by:

	[Vegetables . . . :]		
	[Potatoes . . . :]		
" 137.22	Seed, certified by a responsible officer or agency of a foreign government in accordance with official rules and regulations to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed potato tags........	35¢ per 100 lbs.	[75¢ per 100 lbs.] ";

4. Items 137.25, 137.26, 137.28. and 137.29 and the superior heading thereto are superseded by:

		[Vegetables . . . :]			
		[Potatoes . . . :]			
"	137.27	Other than such certified seed	35¢ per 100 lbs.	[75¢ per 100 lbs.]	
	137.30	If product of Cuba and entered during the period from December 1 in any year to the last day of the following February, both dates inclusive	[30¢ per 100 lbs. (s)"]		

[(s) = Suspended. See general headnote 3(b).];

5. Schedule 1, part 6A, headnote 2 is deleted;

Schedule 2, Part 3

6. Items 245.45 and 245.50 and the superior heading thereto are superseded by:

"	245.47	Wood particle board, whether or not face finished	4% ad val.	[40% ad val.]	";

Schedule 3, Part 3, Subpart A

7. Items 319.01, 319.03, 319.05, and 319.07 and the superior heading thereto are superseded by:

		[Woven . . . :]			
"	319.02	Colored, whether or not bleached and whether or not fancy or figured, and made on a hand loom (i.e., a nonpower-driven loom) by a cottage industry, and which prior to exportation have been certified by an official of a government agency of the country where the fabrics were produced to have been so made, of number 59 or coarser	6% ad val.	[The rate that would apply in the absence of this item]	";

Schedule 3, Part 5, Subpart C

8. Items 366.30 and 366.33 are superseded by:

		[Other . . . :]			
		[Of . . . :]			
		[Towels:]			
		[Of . . . :]			
		[Woven . . . :]			
"	366.31	With not over 120 yarns per square inch, counting warp and filling	8% ad val.	[55% ad val.]	";

Schedule 3, Part 6, Subpart C

9. Items 374.05 and 374.10 and the superior heading thereto are superseded by:

		[Hosiery:]			
		[Lace . . . :]			
		[Of vegetable . . . :]			
"	374.07	Embroidered	20% ad val.	[90% ad val.]	";

Schedule 3, Part 6, Subpart E

10. Items 378.20 and 378.25 and the superior heading thereto are superseded by:

	[Other . . . :]		
	[Of vegetable . . . :]		
	[Not . . . :]		
" 378.22	Of cotton	6.5% ad val.	[37.5% ad val.] ";

Schedule 3, Part 6, Subpart F

11. Items 379.48 and 379.49 and the superior heading thereto are superseded by:

	[Other . . . :]		
	[Of cotton . . . :]		
	[Not . . . :]		
" 379.47	Dressing gowns, including bathrobes, and beach robes	8% ad val.	[37.5% ad val.] ";

12. Items 379.51 and 379.52 and the superior heading thereto are superseded by:

	[Other . . . :]		
	[Of cotton:]		
	[Not . . . :]		
" 379.50	Pajamas	8% ad val.	[37.5% ad val.] ";

13. Items 379.57 and 379.58 and the superior heading thereto are superseded by:

	[Other . . . :]		
	[Of cotton:]		
	[Not . . . :]		
" 379.59	Vests	8% ad val.	[37.5% ad val.] ";

14. Items 383.36 and 383.37 and the superior heading thereto are superseded by:

	[Other . . . :]		
	[Of cotton:]		
	[Not . . . :]		
" 383.35	Dressing gowns, including bathrobes, and beach robes	8% ad val.	[37.5% ad val.] ";

15. Items 383.39 and 383.40 and the superior heading thereto are superseded by:

	[Other . . . :]		
	[Of cotton:]		
	[Not . . . :]		
" 383.38	Pajamas	8% ad val.	[37.5% ad val.] ";

16. Items 383.42 and 383.43 and the superior heading thereto are superseded by:

	[Other . . . :]		
	[Of cotton:]		
	[Not . . . :]		
" 383.41	Vests	8% ad val.	[37.5% ad val.] ";

Schedule 5, Part 1, Subpart C

17. Items 513.35 and 513.36 and the superior heading thereto are superseded by:

	[Stone . . . :]		
" 513.33	Limestone	Free	[$1 per short ton] ";

Schedule 5, Part 1, Subpart F

18. Schedule 5, part 1F is modified by deleting item 518.52;

Schedule 5, Part 2, Subpart C

19. Items 534.74 and 534.76 are superseded by:

		[Smokers' . . . :]		
"	534.75	Of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze, and mottled, streaked, or solidly colored brown to black with metallic oxide or salt	2.5% ad val.	[25% ad val.] ";

20. The superior heading to items 534.81 through 534.87 is modified by deleting "items 534.74 and 534.76" and substituting "item 534.75" in lieu thereof;

Schedule 6, Part 4, Subpart A

21. Schedule 6, part 4A is modified by deleting items 660.57, 660.58, and 661.93;

Schedule 6, Part 5

22. Schedule 6, part 5 is modified by deleting items 682.46, 683.66, 684.31, and 686.81;

Schedule 6, Part 6, Subpart C

23. Schedule 6, part 6C is modified by deleting item 694.62;

Schedule 7, Part 2, Subpart C

24. Schedule 7, part 2C is modified by deleting item 710.47;

Schedule 7, Part 2, Subpart D

25. Schedule 7, part 2D is modified by deleting items 711.99 and 712.00;

Schedule 7, Part 2, Subpart F

26. Items 722.02 and 722.04 and the superior heading thereto are superseded by:

"	722.03	Photographic motion-picture cameras, with or without sound recording systems	4.5% ad val.	[20% ad val.] ";

Schedule 7, Part 7, Subpart A

27. Items 745.70 and 745.72 and the superior heading thereto are superseded by:

		[Slide . . . :]		
"	745.71	Fasteners	15% ad val.	[66% ad val.] ";

Schedule 7, Part 12, Subpart C

28. Schedule 7, part 12C is modified by deleting item 772.46;

Schedule 7, Part 13, Subpart B

29. Schedule 7, part 13B is modified by deleting item 791.91.

Section J. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1992.

Schedule 3, Part 6, Subpart C

1. Items 374.20 and 374.25 and the superior heading thereto are superseded by:

		[Hosiery:]		
		[Lace . . . :]		
		[Of wool:]		
"	374.22	Embroidered	20% ad val.	[90% ad val.] ";

Schedule 7, Part 1, Subpart C

2. Items 704.25 and 704.30 and the superior heading thereto are superseded by:

		[Gloves . . . :]		
		[Lace . . . :]		
		[Of wool . . . :]		
"	704.28	Not embroidered	20% ad val.	[90% ad val.] ";

ANNEX III

STAGED RATE MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Note:

Each rate in the following tables, opposite the number of an item in the Tariff Schedules of the United States (TSUS) identified therein, is inserted in column numbered 1 in such item, effective for articles provided for therein which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of the column in which such rate is set forth and such rate shall be superseded by the rate, if any, for that item in the immediately following column, effective for articles which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of such latter column.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 1, Part 1									
100.50	0.7¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
100.73	$2.75 per head	Free	Free	Free	Free	Free	Free	Free	Free.
100.75	3% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
100.85	0.5¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
100.95	3.5% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
Schedule 1, Part 2									
106.10	3¢ per lb	2.5¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb.
106.22	2.5¢ per lb	2.3¢/lb	2.2¢/lb	2.1¢/lb	2¢/lb	1.8¢/lb	1.7¢/lb	1.6¢/lb	1.5¢/lb.
106.25	2.5¢ per lb	2.2¢/lb	1.9¢/lb	1.6¢/lb	1.2¢/lb	0.9¢/lb	0.6¢/lb	0.3¢/lb	Free.
106.30	1.7¢ per lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb.
106.40	0.5¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free
106.60	2.5 ad val	Free	Free	Free	Free	Free	Free	Free	Free.
106.80	0.5¢ per lb	0.2¢/lb	Free	Free	Free	Free	Free	Free	Free.
106.85	2.5% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
107.10	1.6¢ per lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb.
107.15	1.625¢ per lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb	0.6¢/lb.
107.30	2¢ per lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb.	1¢/lb.
107.40	3¢ per lb	2.7¢/lb	2.5¢/lb	2.2¢/lb	2¢/lb	1.7¢/lb	1.5¢/lb	1.2¢/lb	1¢/lb.
107.52	7.5% ad val	4.5%	3%	3%	3%	3%	3%	3%	3%.
107.55	3¢ per lb	2.5¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb.
107.61	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
107.63	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
107.70	1.5¢ per lb	1.3¢/lb	1.2¢/lb	1.1¢/lb	1¢/lb	0.9¢/lb	0.8¢/lb	0.7¢/lb	0.6¢/lb.
107.76	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
107.80	1¢ per lb	0.9¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.4¢/lb	0.2¢/lb	0.1¢/lb	Free.
Schedule 1, Part 3									
110.28	0.35¢/lb	0.3¢/lb	0.26¢/lb	0.22¢/lb	0.17¢/lb	0.13¢/lb	0.08¢/lb	0.04¢/lb	Free.
110.55	2.5¢ per lb	2.42¢/lb	2.34¢/lb	2.27¢/lb	2.19¢/lb	2.11¢/lb	2.04¢/lb	1.96¢/lb	1.875¢/lb.
110.65	0.6% ad val	0.5%	0.5%	0.4%	0.3%	0.2%	0.2%	0.1%	Free.

111.37	6% ad val	5.8%	5.5%	5.2%	5%	4.8%	4.5%	4.2%	4%.
111.48	4% ad val	3.9%	3.8%	3.6%	3.5%	3.4%	3.3%	3.1%	3%.
111.52	0.9% ad val	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
111.56	0.5% ad val	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%.
111.60	12.5% ad val	12.2%	11.9%	11.6%	11.2%	10.9%	10.6%	10.3%	10%.
111.76	0.3¢ per lb	0.26¢/lb	0.22¢/lb	0.19¢/lb	0.15¢/lb	0.11¢/lb	0.07¢/lb	0.04¢/lb	Free.
111.84	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
111.92	3% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
112.01	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
112.03	2.2% ad val	1.9%	1.7%	1.4%	1.1%	0.8%	0.6%	0.3%	Free.
112.12	0.8% ad val	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free.
112.18	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
112.20	5% ad val	4.7%	4.4%	4.1%	3.8%	3.4%	3.1%	2.8%	2.5%.
112.24	1.7% ad val	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%.
112.42	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
112.46	12.5% ad val	11.9%	11.4%	10.8%	10.3%	9.7%	9.1%	8.6%	8%.
112.54	30% ad val	27.8%	25.5%	23.3%	21%	18.8%	16.5%	14.3%	12%.
112.79	6% ad val	5.8%	5.5%	5.3%	5%	4.8%	4.5%	4.3%	4%.
112.86	24% ad val	23.5%	23%	22.5%	22%	21.5%	21%	20.5%	20%.
112.94	12.5% ad val	11.8%	11%	10.3%	9.5%	8.8%	8%	7.3%	6.5%.
113.01	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
113.05	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
113.15	0.8% ad val	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%.
113.40	2¢ per lb	1.7¢/lb	1.5¢/lb	1.2¢/lb	1¢/lb	0.7¢/lb	0.5¢/lb	0.2¢/lb	Free.
113.50	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
114.25	7.5% ad val	7.2%	6.9%	6.6%	6.3%	5.9%	5.6%	5.3%	5%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 1, Part 3— Continued									
114.34	2.1% ad val	1.8%	1.6%	1.3%	1%	0.8%	0.5%	0.3%	Free.
114.36	5% ad val	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%.
114.55	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
Schedule 1, Part 4									
115.20	15¢ per gal	12¢/gal	12¢/gal	12¢/gal	12¢/gal	12¢/gal	12¢/gal	12¢/gal	12¢/gal.
116.00	7¢ per lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb.
116.10	7¢ per lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb.
116.20	7¢ per lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb	5.6¢/lb.
117.15	15% ad val	12%	12%	12%	12%	12%	12%	12%	12%.
117.20	20% ad val	17%	16%	16%	16%	16%	16%	16%	16%.
117.44	25% ad val	24.3%	23.5%	22.8%	22%	21.3%	20.5%	19.8%	19%.
117.55	20% ad val	17%	15%	15%	15%	15%	15%	15%	15%.
117.60	8% ad val	7.8%	7.6%	7.4%	7.2%	7%	6.8%	6.6%	6.4%.
117.86	10% ad val	9.7%	9.4%	9.1%	8.8%	8.4%	8.1%	7.8%	7.5%.
Schedule 1, Part 5									
120.17	2% ad val	1.8%	1.5%	1.3%	1%	0.8%	0.5%	0.3%	Free.
121.10	7.5% ad va.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
121.15	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
121.25	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
121.30	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
121.35	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
121.40	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
121.45	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
121.50	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
121.52	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
121.54	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.
121.55	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

121.52	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
121.64	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
121.65	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
123.50	18.5% ad val	17.2%	15.9%	14.6%	13.3%	11.9%	10.6%	9.3%	8%.
124.20	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
124.25	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
124.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
124.60	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
124.65	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
124.70	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
124.80	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
Schedule 1, Part 0									
125.32	5.5% ad val	3.8%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%.
125.50	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
125.65	1¢ each	0.5¢ each	Free	Free	Free	Free	Free	Free	Free.
125.70	4% ad val	1%	Free	Free	Free	Free	Free	Free	Free.
125.82	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
126.23	1¢ per lb	0.8¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	Free.
126.27	1¢ per lb	0.8¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	Free.
126.29	0.4¢ per lb	0.35¢/lb	0.3¢/lb	0.25¢/lb	0.2¢/lb	0.15¢/lb	0.1¢/lb	0.05¢/lb	Free.
126.33	1¢ per lb	0.8¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	Free.
126.35	0.5¢ per lb	0.4¢/lb	0.3¢/lb	0.3¢/lb	0.2¢/lb	0.2¢/lb	0.1¢/lb	Free	Free.
126.61	9¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
126.71	3¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
Schedule 1, Part 7									
130.08	7.5¢ per bu of 48 lbs.	7.2¢/bu of 48 lbs.	6.9¢/bu of 48 lbs.	6.6¢/bu of 48 lbs.	6.2¢/bu of 48 lbs.	5.9¢/bu of 48 lbs.	5.6¢/bu of 48 lbs.	5.3¢/bu of 48 lbs.	5¢/bu of 48 lbs.
130.30	6¢ per bu of 56 lbs.	5¢/bu of 56 lbs.	4¢/bu of 56 lbs.	4¢/bu of 56 lbs.	3¢/bu of 56 lbs.	2¢/bu of 56 lbs.	1¢/bu of 56 lbs.	1¢/bu of 56 lbs.	Free.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 1, Part 7—Continued									
130.32	25¢ per bu of 56 lbs.	22¢/bu of 56 lbs	20¢/bu of 56 lbs	17¢/bu of 56 lbs	15¢/bu of 56 lbs	12¢/bu of 56 lbs	10¢/bu of 56 lbs	7¢/bu of 56 lbs	5¢/bu of 56 lbs
130.45	4¢ per bu of 32 lbs.	3.5¢/bu of 32 lbs	3¢/bu of 32 lbs	2.5¢/bu of 32 lbs	2¢/bu of 32 lbs	1.5¢/bu of 32 lbs	1¢/bu of 32 lbs	0.5¢/bu of 32 lbs	Free.
130.60	6¢ per bu of 56 lbs.	5¢/bu of 56 lbs	4.5¢/bu of 56 lbs	3.5¢/bu of 56 lbs	3¢/bu of 56 lbs	2¢/bu of 56 lbs	1.5¢/bu of 56 lbs	0.5¢/bu of 56 lbs	Free.
131.20	50¢ per 100 lbs	47¢/100 lbs	45¢/100 lbs	42¢/100 lbs	40¢/100 lbs	37¢/100 lbs	35¢/100 lbs	32¢/100 lbs	30¢/100 lbs.
131.30	2.5¢ per lb	1.5¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb.
132.50	1¢ per lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb
Schedule 1, Part 8									
136.00	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
136.92	1.75¢ per lb	1.6¢/lb	1.4¢/lb	1.3¢/lb	1.2¢/lb	1.1¢/lb	0.9¢/lb	0.8¢/lb	0.7¢/lb.
137.02	2¢ per lb	1¢/lb	0.8¢/lb	0.8¢/lb	0.8¢/lb	0.8¢/lb	0.8¢/lb	0.8¢/lb	0.8¢/lb.
137.20	37.5¢ per 100 lbs	37¢/100 lbs	37¢/100 lbs	36.5¢/100 lbs	36¢/100 lbs	36¢/100 lbs	35.5¢/100 lbs	35¢/100 lbs	35¢/100 lbs.
137.21	75¢ per 100 lbs	70¢/100 lbs	65¢/100 lbs	60¢/100 lbs	55¢/100 lbs	50¢/100 lbs	45¢/100 lbs	40¢/100 lbs	35¢/100 lbs.
137.25	37.5¢ per 100 lbs	37¢/100 lbs	37¢/100 lbs	36.5¢/100 lbs	36¢/100 lbs	36¢/100 lbs	35.5¢/100 lbs	35¢/100 lbs	35¢/100 lbs.
137.28	75¢ per 100 lbs	70¢/100 lbs	65¢/100 lbs	60¢/100 lbs	55¢/100 lbs	50¢/100 lbs	45¢/100 lbs	40¢/100 lbs	35¢/100 lbs.
137.78	25% ad val	22%	19%	16%	13%	10%	10%	10%	10%.
137.82	25% ad val	22%	19%	16%	13%	10%	10%	10%	10%.
138.25	17.5% ad val	14.5%	11.5%	9%	9%	9%	9%	9%	9%.
138.30	17.5% ad val	14.8%	12.2%	9.6%	7%	7%	7%	7%	7%.
140.09	0.6¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
140.14	1.2¢ per lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb.
140.25	0.37¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
140.40	35% ad val	33.8%	32.5%	31.3%	30%	28.8%	27.5%	26.3%	25%.
140.45	0.4¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
140.54	13% ad val	10%	7%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%.
141.10	0.7¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.

141.20	3¢ per lb on entire contents of container.	1.5¢/lb. on entire contents of container.	1.5¢/lb. on entire contents of container.	1.5¢/lb. on entire contents of container.	1.5¢/lb. on entire contents of container.	1.5¢/lb. on entire contents of container.	1.5¢/lb. on entire contents of container.	1.5¢/lb. on entire contents of container.	1.5¢/lb. on entire contents of container.
141.30	8.5¢ ad val	5.5%	4%	4%	4%	4%	4%	4%	4%.
141.50	17.5% ad val	14.8%	12.2%	9.6%	7%	7%	7%	7%	7%.
141.55	1¢ per lb. on entire contents of container.	Free	Free	Free	Free	Free	Free	Free	Free.
141.60	9.5% ad val	9.5%	9.5%	9.5%	9.5%	9.5%	9.5%	9.5%	9.5%.
141.70	17.5% ad val	14.5%	11.5%	8.5%	7%	7%	7%	7%	7%.
141.78	17.5% ad val	14.5%	11.5%	9%	9%	9%	9%	9%	9%.
141.82	17.5% ad val	16.6%	15.6%	14.7%	13.8%	12.8%	11.9%	10.9%	10%.
141.83	17.5% ad val	16.9%	16.3%	15.6%	15%	14.4%	13.8%	13.1%	12.5%.
141.84	17.5% ad val	16.6%	15.6%	14.7%	13.8%	12.8%	11.9%	10.9%	10%.
141.85	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
141.86	17.5% ad val	16.6%	15.6%	14.7%	13.8%	12.8%	11.9%	10.9%	10%.
141.87	17.5% ad val	14.5%	11.5%	9%	9%	9%	9%	9%	9%.
144.12	3.2¢ per lb. + 10% ad val.	2.9¢/lb. + 9.3%	2.7¢/lb. + 8.5%	2.4¢/lb. + 7.8%	2.2¢/lb. + 7%	2¢/lb. + 6.3%	1.8¢/lb. + 5.5%	1.5¢/lb. + 4.8%	1.3¢/lb. + 4%.
Schedule 1. Part 9									
145.06	1¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
145.09	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
145.30	2.5¢ per lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb.
145.48	7¢ per lb	4.6¢/lb	3¢/lb	3¢/lb	3¢/lb	3¢/lb	3¢/lb	3¢/lb	3¢/lb.
145.65	28% ad val	25%	22%	19%	16%	14%	14%	14%	14%.
146.30	7.5¢ per lb	7.3¢/lb	7.1¢/lb	6.9¢/lb	6.7¢/lb	6.5¢/lb	6.3¢/lb	6.1¢/lb	6¢/lb.
146.44	7.5% ad val	4.5%	3%	3%	3%	3%	3%	3%	3%.
146.50	0.3¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
146.71	14% ad val	11.3%	8.6%	6%	6%	6%	6%	6%	6%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 1, Part 8—Continued									
146.74	14% ad val	11.6%	9.3%	7%	7%	7%	7%	7%	7%.
146.83	14% ad val	12.6%	11.3%	10%	10%	10%	10%	10%	10%.
146.84	14% ad val	11.6%	9.3%	7%	7%	7%	7%	7%	7%.
146.87	7% ad val	4%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%.
146.90	0.2¢ per lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	Free	Free	Free.
147.30	0.5¢ per lb	0.25¢/lb	0.25¢/lb	0.25¢/lb	0.25¢/lb	0.25¢/lb	0.25¢/lb	0.25¢/lb	0.25¢/lb.
147.33	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
147.36	35% ad val	32%	29%	26%	23%	20%	17.5%	17.5%	17.5%
147.38	7.5¢ per lb	6¢/lb	4.5¢/lb	3¢/lb	3¢/lb	3¢/lb	3¢/lb	3¢/lb	3¢/lb.
147.61	5.25¢ per cu. ft. of such bulk or the capacity of the package.	5.1¢/cu. ft. of such bulk or the capacity of the package.	4.9¢/cu. ft. of such bulk or the capacity of the package.	4.8¢/cu. ft. of such bulk or the capacity of the package.	4.6¢/cu. ft. of such bulk or the capacity of the package.	4.5¢/cu. ft. of such bulk or the capacity of the package.	4.3¢/cu. ft. of such bulk or the capacity of the package.	4.2¢/cu. ft. of such bulk or the capacity of the package.	4¢/cu. ft. of such bulk or the capacity of the package.
147.77	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
147.85	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
147.96	3.75¢ per lb	2.1¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb.
148.19	8.5% ad val	5.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%.
148.22	35% ad val	32%	29%	26%	23%	20%	17%	14%	14%.
148.35	35% ad val	32%	29%	26%	23%	20%	17.5%	17.5%	17.5%.
148.65	7% ad val	4%	4%	4%	4%	4%	4%	4%	4%.
148.72	0.1¢ per lb	0.09¢/lb	0.07¢/lb	0.06¢/lb	0.05¢/lb	0.04¢/lb	0.02¢/lb	0.01¢/lb	Free.
148.81	0.25¢ per lb	0.22¢/lb	0.19¢/lb	0.16¢/lb	0.12¢/lb	0.09¢/lb	0.06¢/lb	0.03¢/lb	Free.
148.83	1.5¢ per lb	1.3¢/lb	1.1¢/lb	0.9¢/lb	0.7¢/lb	0.5¢/lb	0.4¢/lb	0.2¢/lb	Free.
148.98	0.75¢ per lb	0.69¢/lb	0.62¢/lb	0.56¢/lb	0.5¢/lb	0.44¢/lb	0.38¢/lb	0.31¢/lb	0.25¢/lb.
149.15	7.5% ad val	4.5%	3%	3%	3%	3%	3%	3%	3%.
149.18	0.1¢ per lb	0.09¢/lb	0.07¢/lb	0.06¢/lb	0.05¢/lb	0.04¢/lb	0.02¢/lb	0.01¢/lb	Free.
149.50	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
149.60	17.5% ad val	14.5%	11.5%	8.5%	7%	7%	7%	7%	7%.
150.02	17.5% ad val	14.5%	11.5%	8.5%	7%	7%	7%	7%	7%.
152.14	0.6¢ per lb	0.5¢/lb	0.4¢/lb	0.3¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	Free	Free.
152.30	3.4¢ per lb	2¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb.
152.42	17.5% ad val	16.9%	16.3%	15.6%	15%	14.4%	13.8%	13.1%	12.5%.
152.43	17.5% ad val	14.5%	11.5%	8.5%	7%	7%	7%	7%	7%.
152.54	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
152.58	7% ad val	4%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%.

153.02	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
153.08	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
154.40	13.5% ad val	12.9%	11.9%	10.5%	9.5%	8.4%	7.4%	6.4%	5.4%.
154.43	10% ad val	7%	5%	5%	5%	5%	5%	5%	5%.
154.45	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
Schedule 1. Part 10									
155.75	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
156.25	0.4¢ per lb	0.4¢/lb	0.3¢/lb	0.3¢/lb	0.2¢/lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	Free.
156.35	3% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
156.45	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
Schedule 1. Part 11									
161.15	1.5¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
161.19	1.5¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
161.31	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
161.58	2¢ per lb	1.7¢/lb	1.5¢/lb	1.2¢/lb	1¢/lb	0.7¢/lb	0.5¢/lb	0.2¢/lb	Free.
161.61	0.43¢ per lb	0.38¢/lb	0.32¢/lb	0.27¢/lb	0.21¢/lb	0.16¢/lb	0.11¢/lb	0.05¢/lb	Free.
161.71	5¢ per lb	4.6¢/lb	4.2¢/lb	3.9¢/lb	3.5¢/lb	3.1¢/lb	2.7¢/lb	2.4¢/lb	2¢/lb.
161.75	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
161.79	1.5¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
161.94	0.5¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
162.15	7.5% ad val	4.5%	3%	3%	3%	3%	3%	3%	3%.
Schedule 1. Part 12									
168.30	62¢ per proof gal	57¢/proof gal	52¢/proof gal	48¢/proof gal	43¢/proof gal	38¢/proof gal	34¢/proof gal	29¢/proof gal	25¢/proof gal.
168.37	$1.25 per proof gal.	$1.16/proof gal	$1.06/proof gal	97¢/proof gal	87¢/proof gal	78¢/proof gal	69¢/proof gal	59¢/proof gal	50¢/proof gal.
168.39	50¢ per proof gal	46¢/proof gal	42¢/proof gal	38¢/proof gal	35¢/proof gal	31¢/proof gal	27¢/proof gal	23¢/proof gal	20¢/proof gal.
168.41	$1 per proof gal	92¢/proof gal	85¢/proof gal	77¢/proof gal	70¢/proof gal	62¢/proof gal	55¢/proof gal	47¢/proof gal	40¢/proof gal.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 1, Part 12—Continued									
168.49	$1.25 per proof gal.	$1.16/proof gal	$1.06/proof gal	97¢/proof gal	87¢/proof gal	78¢/proof gal	69¢/proof gal	59¢/proof gal	50¢/proof gal.
168.53	$1 per proof gal	92¢/proof gal	85¢/proof gal	77¢/proof gal	70¢/proof gal	62¢/proof gal	55¢/proof gal	47¢/proof gal	40¢/proof gal.
168.65	$1.75 per proof gal.	$1.70/proof gal	$1.66/proof gal	$1.62/proof gal	$1.57/proof gal	$1.53/proof gal	$1.48/proof gal	$1.44/proof gal	$1.40/proof gal.
168.67	$1.75 per proof gal.	$1.70/proof gal	$1.66/proof gal	$1.62/proof gal	$1.57/proof gal	$1.53/proof gal	$1.48/proof gal	$1.44/proof gal	$1.40/proof gal.
168.69	51¢ per proof gal	47¢/proof gal	43¢/proof gal	39¢/proof gal	35¢/proof gal	31¢/proof gal	28¢/proof gal	24¢/proof gal	20¢/proof gal.
168.71	51¢ per proof gal	47¢/proof gal	43¢/proof gal	39¢/proof gal	35¢/proof gal	31¢/proof gal	28¢/proof gal	24¢/proof gal	20¢/proof gal.
168.73	62¢ per proof gal	57¢/proof gal	53¢/proof gal	48¢/proof gal	43¢/proof gal	39¢/proof gal	34¢/proof gal	29¢/proof gal	25¢/proof gal.
168.75	62¢ per proof gal	57¢/proof gal	53¢/proof gal	48¢/proof gal	43¢/proof gal	39¢/proof gal	34¢/proof gal	29¢/proof gal	25¢/proof gal.
168.83	$1.25 per proof gal.	$1.16/proof gal	$1.06/proof gal	97¢/proof gal	87¢/proof gal	78¢/proof gal	69¢/proof gal	59¢/proof gal	50¢/proof gal.
Schedule 1, Part 13									
170.10	90.9¢ per lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb.
170.15	$1.548 per lb	62¢/lb	62¢/lb	62¢/lb	62¢/lb	62¢/lb	62¢/lb	62¢/lb	62¢/lb.
170.20	90.9¢ per lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb	36¢/lb.
170.35	45¢ per lb	41¢/lb	38¢/lb	35¢/lb	32¢/lb	29¢/lb	26¢/lb	23¢/lb	20¢/lb.
170.45	23¢ per lb	20¢/lb	20¢/lb	20¢/lb	20¢/lb	20¢/lb	20¢/lb	20¢/lb	20¢/lb.
170.60	95¢ per lb. + 5% ad val.	86¢/lb. + 4.5	86¢/lb. + 4.5%	86¢/lb. + 4.5%	86¢/lb. + 4.5%	86¢/lb. + 4.5%	86¢/lb. + 4.5%	86¢/lb. + 4.5%	86¢/lb. + 4.5%.
Schedule 1, Part 14									
175.18	50¢ per bu. of 56 lbs.	36¢/bu. of 56 lbs	22¢/bu. of 56 lbs	22¢/bu. of 56 lbs	22¢/bu. of 56 lbs	22¢/bu. of 56 lbs	22¢/bu. of 56 lbs	22¢/bu. of 56 lbs	22¢/bu. of 56 lbs.
175.39	1¢ per lb	0.9¢/lb	0.8¢/lb	0.7¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.4¢/lb	0.4¢/lb.
175.51	0.4¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
176.01	7.5% ad val	4.5%	3%	3%	3%	3%	3%	3%	3%.
176.16	10 ad val	7%	4%	4%	4%	4%	4%	4%	4%.
176.17	1¢ per lb	0.2¢/lb	Free	Free	Free	Free	Free	Free	Free.

176.24	1.125¢ per lb. + 5% ad val.	1¢/lb. + 4.6%	0.9¢/lb. + 4.3%	0.8¢/lb. + 3.9%	0.8¢/lb. + 3.5%	0.7¢/lb. + 3.1%	0.6¢/lb. + 2.8%	0.5¢/lb. + 2.4%	0.5¢/lb. + 2%.
176.33	0.5¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
176.45	1.8¢ per lb	1.8¢/lb	1.8¢/lb	1.8¢/lb	1.5¢/lb	1.3¢/lb	1.1¢/lb	0.9¢/lb	0.7¢/lb.
176.46	0.45¢ per lb	0.45¢/lb	0.45¢/lb	0.45¢/lb	0.36¢/lb	0.27¢/lb	0.18¢/lb	0.09¢/lb	Free.
176.47	10.1% ad val	2.4¢/lb	2.4¢/lb	2.4¢/lb	9.6%	9.1%	8.5%	8%	7.5%.
177.62	2.65¢ per lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb	1.3¢/lb.
178.15	15.6% ad val	5¢/lb	5¢/lb	5¢/lb	14.3%	13%	11.6%	10.3%	9%.
Schedule 1. Part 15									
182.11	17% ad val	14%	11%	8%	8%	8%	8%	8%	8%.
182.15	14% ad val	11%	8%	7%	7%	7%	7%	7%	7%.
182.20	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
182.33	10% ad val	7%	5%	5%	5%	5%	5%	5%	5%.
182.35	0.5¢ per lb	0.44¢/lb	0.37¢/lb	0.31¢/lb	0.25¢/lb	0.19¢/lb	0.12¢/lb	0.06¢/lb	Free.
182.38	0.7 per lb	0.6¢/lb	0.5¢/lb	0.4¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	Free.
182.45	6% ad val	3%	3%	3%	3%	3%	3%	3%	3%.
182.53	10% ad val	7%	5%	5%	5%	5%	5%	5%	5%.
182.60	10% ad val	7%	5%	5%	5%	5%	5%	5%	5%.
182.92	20% ad val	19.5%	19%	18.5%	18%	17.5%	17%	16.5%	16%.
182.96	10% ad val	9.8%	9.5%	9.3%	9%	8.8%	8.5%	8.3%	8%.
184.51	0.3¢ per lb	0.28¢/lb	0.25¢/lb	0.23¢/lb	0.21¢/lb	0.19¢/lb	0.16¢/lb	0.14¢/lb	0.12¢/lb.
184.58	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
184.65	4% ad val	2%	2%	2%	2%	2%	2%	2%	2%.
184.85	7.5 ad val	5.2%	3%	3%	3%	3%	3%	3%	3%.
186.15	15% ad val	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%.
186.50	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
188.34	2.5¢ per lb	2.44¢/lb	2.37¢/lb	2.31¢/lb	2.25¢/lb	2.19¢/lb	2.12¢/lb	2.06¢/lb	2¢/lb.
190.10	5¢ per lb	4.4¢/lb	3.7¢/lb	3.1¢/lb	2.5¢/lb	1.9¢/lb	1.2¢/lb	0.6¢/lb	Free.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 1. Part 15— Continued									
190.25	17% ad val	15.8%	14.7%	13.5%	12.4%	11.2%	10%	8.9%	7.7%.
190.66	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
190.85	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
190.93	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
192.17	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
Schedule 2. Part 1									
200.06	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
200.20	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
200.25	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
200.45	1% ad val	0.9%	0.8%	0.6%	0.5%	0.4%	0.3%	0.1%	Free.
200.95	16⅔% ad val	15.6%	14.4%	13.3%	12.2%	11%	9.9%	8.7%	7.6%.
202.38	1% ad val	0.9%	0.8%	0.6%	0.5%	0.4%	0.3%	0.1%	Free.
202.40	75¢ per 1000 ft., board measure	Free	Free	Free	Free	Free	Free	Free	Free.
202.54	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
202.56	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
202.60	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
202.66	8.5% ad val	8%	7.5%	7%	6.5%	6%	5.5%	5%	4.5%.
203.10	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
203.20	10.5¢ per lb. + 8.5% ad val.	9.7¢/lb. + 7.9%	9¢/lb. + 7.3%	8¢/lb. + 6.6%	7.5¢/lb. + 6%	6.7¢/lb. + 5.4%	6¢/lb. + 4.8%	5.2¢/lb. + 4.1%	4.5¢/lb. + 3.5%.
203.30	10.5¢ per lb. + 8.5% ad val.	9.7¢/lb. + 7.9%	9¢/lb. + 7.3%	8¢/lb. + 6.6%	7.5¢/lb. + 6%	6.7¢/lb. + 5.4%	6¢/lb. + 4.8%	5.2¢/lb. + 4.1%	4.5¢/lb. + 3.5%.
204.05	17% ad val	15.8%	14.7%	13.5%	12.4%	11.2%	10%	8.9%	7.7%.
204.10	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
204.20	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
204.35	7.5% ad val	4.5%	3%	3%	3%	3%	3%	3%	3%.
204.40	16⅔% ad val	15.5%	14.2%	13%	11.7%	10.5%	9.2%	8%	6.7%.
204.50	2¢ per lb. + 4% ad val.	1.8¢/lb. + 3.9%	1.7¢/lb + 3.7%	1.6¢/lb. + 3.6%	1.5¢/lb. + 3.5%	1.4¢/lb. + 3.3%	1.2¢/lb. + 3.2%	1.1¢/lb. + 3%	1¢/lb. + 2.9%.
206.45	7% ad val	6.7%	6.4%	6.1%	5.8%	5.4%	5.1%	4.8%	4.5%.

206.47	5.5% ad val	5.5%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%.
206.50	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
206.52	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
206.53	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
206.67	20% ad val	17%	14%	11%	8%	8%	8%	8%	8%.
206.85	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
206.95	14% ad val	11%	8%	7%	7%	7%	7%	7%	7%.
206.96	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
206.98	8% ad val	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%.
207.00	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
Schedule 2, Part 2									
220.10	1.5¢ per lb	1.4¢/lb	1.3¢/lb	1.3¢/lb	1.2¢/lb	1.1¢/lb	1.1¢/lb	1¢/lb	1¢/lb.
220.15	0.5¢ per lb	0.49¢/lb	0.47¢/lb	0.46¢/lb	0.45¢/lb	0.44¢/lb	0.42¢/lb	0.41¢/lb	0.4¢/lb.
220.20	4¢ per lb	3.8¢/lb	3.6¢/lb	3.4¢/lb	3.2¢/lb	3¢/lb	2.8¢/lb	2.7¢/lb	2.5¢/lb.
220.25	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
220.31	2.5¢ per lb	2.4¢/lb	2.4¢/lb	2.3¢/lb	2.2¢/lb	2.2¢/lb	2.1¢/lb	2.1¢/lb	2¢/lb.
220.35	30¢ per lb	28¢/lb	27¢/lb	26¢/lb	25¢/lb	23¢/lb	22¢/lb	21¢/lb	20¢/lb.
220.36	12¢ per lb	11.5¢/lb	11¢/lb	10.5¢/lb	10¢/lb	10¢/lb	9.5¢/lb	9¢/lb	8.5¢/lb.
220.37	12¢ per lb	11.7¢/lb	11.5¢/lb	11.2¢/lb	11¢/lb	10.7¢/lb	10.5¢/lb	10.2¢/lb	10¢/lb.
220.39	10¢ per lb	9.6¢/lb	9.2¢/lb	8.9¢/lb	8.5¢/lb	8.1¢/lb	7.7¢/lb	7.4¢/lb	7¢/lb.
220.41	10¢ per lb	9.6¢/lb	9.2¢/lb	8.9¢/lb	8.5¢/lb	8.1¢/lb	7.7¢/lb	7.4¢/lb	7¢/lb.
220.46	10¢ per lb	9.6¢/lb	9.2¢/lb	8.9¢/lb	8.5¢/lb	8.1¢/lb	7.7¢/lb	7.4¢/lb	7¢/lb.
222.10	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
222.30	14% ad val	13.1%	12.3%	11.4%	10.5%	9.6%	8.8%	7.9%	7%.
222.32	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
222.34	5% ad val	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%.
222.36	5% ad val	4.8%	4.6%	4.4%	4.3%	4.1%	3.9%	3.7%	3.5%.
222.40	25% ad val	22%	19%	16%	13%	10%	10%	10%	10%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 2. Part 2— Continued									
222.41	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
222.42	25% ad val	23.1%	21.2%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
222.44	8.5% ad val	5.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%.
222.50	20% ad val	17%	14%	11%	8%	8%	8%	8%	8%.
222.55	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
222.57	8% ad val	5%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%.
222.60	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
222.62	4% ad val	3%	3%	3%	3%	3%	3%	3%	3%.
222.64	5% ad val	3%	3%	3%	3%	3%	3%	3%	5%.
240.00	4% ad val	1%	Free	Free	Free	Free	Free	Free	Free.
240.02	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
240.03	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
240.04	8% ad val	5%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%.
240.06	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
240.10	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
240.12	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
240.14	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
240.16	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
240.17	20% ad val	17%	14%	12%	10%	8%	8%	8%	8%.
240.19	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
240.23	10% ad val	10%	10%	10%	10%	8%	8%	8%	8%.
240.25	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
240.30	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
240.32	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
240.34	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
240.36	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
240.38	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
240.40	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
240.50	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
240.52	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
240.54	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
240.56	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
240.58	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
240.60	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
245.00	7.5% ad val	7.5%	7.5%	6.6%	6%	5.3%	4.5%	3.8%	3%.
245.10	7.5% ad val	7.5%	7.5%	6.8%	6%	5.3%	4.5%	3.8%	3%.

245.20	7.5% ad val	7.5%	7.5%	6.8%	6%	5.3%	4.5%	3.8%	3%.
245.30	15% ad val	15%	15%	13.5%	12%	10.5%	9%	7.5%	6%.
245.45	6% ad val	5.8%	5.5%	5.3%	5%	4.8%	4.5%	4.3%	4%.
245.50	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
245.60	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
245.70	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
245.80	2.5¢ per lb. + 4.5% ad val.	2.3¢/lb. + 4.2%	2.2¢/lb. + 4%	2¢/lb. + 3.7%	1.9¢/lb. + 3.4%	1.7¢/lb. + 3.1%	1.6¢/lb. + 2.9%	1.4¢/lb. + 2.6%	1.3¢/lb. + 2.3%.
Schedule 2. Part 4									
251.10	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
251.15	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
251.20	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
251.25	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
251.30	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
251.45	2.5% ad val	2.2%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free.
251.49	3% ad val	1.5%	Free	Free	Free	Free	Free	Free	Free.
252.05	1% ad val	0.9%	0.8%	0.6%	0.5%	0.4%	0.3%	0.1%	Free.
252.10	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
252.13	5.3% ad val	5.1%	4.9%	4.7%	4.6%	4.4%	4.2%	4%	3.8%.
252.15	4.1% ad val	4%	3.9%	3.8%	3.7%	3.5%	3.4%	3.3%	3.2%.
252.17	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
252.20	3.9% ad val	3.5%	3.2%	3%	2.7%	2.4%	2.1%	1.9%	1.6%.
252.25	1¢ per lb. + 3.5% ad val.	0.8¢/lb. + 3.4%	0.7¢/lb. + 3.3%	0.6¢/lb. + 3.2%	0.5¢/lb. + 3.1%	0.3¢/lb. + 2.9%	0.2¢/lb. + 2.8%	0.1¢/lb. + 2.7%	2.6%.
252.27	3% ad val	3%	2.9%	2.7%	2.6%	2.4%	2.3%	2.1%	2%.
252.30	4.6% ad val	4.5%	4.3%	4.2%	4.1%	3.9%	3.8%	3.6%	3.5%.
252.35	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 2, Part 4— Continued									
252.40	1.5¢ per lb. + 5% ad val.	1.2¢/lb. + 5%	0.9¢/lb. + 5%	0.6¢/lb. + 5%	0.3¢/lb. + 5%	5%	4.8%	4.5%	4.3%.
252.42	5% ad val	4.6%	4.3%	3.9%	3.5%	3.1%	2.8%	2.4%	2%.
252.45	1.8% ad val	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.6%	1.6%.
252.50	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
252.57	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
252.59	5.3% ad val	5.1%	4.9%	4.7%	4.6%	4.4%	4.2%	4%	3.8%.
252.61	7.3% ad val	7%	6.7%	6.4%	6.1%	5.7%	5.4%	5.1%	4.8%.
252.63	2% ad val	1.9%	1.9%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%.
252.67	2.5% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
252.70	6.8% ad val	6.3%	5.8%	5.3%	4.8%	4.2%	3.7%	3.2%	2.7%.
252.73	3.9% ad val	3.8%	3.7%	3.6%	3.5%	3.4%	3.3%	3.2%	3.1%.
252.75	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
252.77	3.8% ad val	3.5%	3.2%	2.9%	2.7%	2.4%	2.1%	1.8%	1.5%.
252.79	0.5¢ per lb. + 2% ad val.	0.5¢/lb. + 0.5% ad val.	Free	Free	Free	Free	Free	Free	Free.
252.81	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
252.84	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
252.86	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
252.90	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
253.05	2.9% ad val	2.8%	2.8%	2.7%	2.7%	2.6%	2.5%	2.5%	2.4%.
253.10	5.4% ad val	5.2%	5%	4.8%	4.7%	4.5%	4.3%	4.1%	3.9%.
253.15	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
253.20	4.7% ad val	4.1%	3.5%	2.9%	2.4%	1.8%	1.2%	0.6%	Free.
253.25	2.2% ad val	1.9%	1.7%	1.4%	1.1%	0.8%	0.6%	0.3%	Free.
253.30	0.5¢ per lb. + 2.5% ad val.	0.4¢/lb. + 2.2%	0.3¢/lb. + 1.9%	0.3¢/lb. + 1.6%	0.2¢/lb. + 1.3%	0.2¢/lb. + 0.9%	0.1¢/lb. + 0.6%	0.3%	Free.
253.35	6.1% ad val	5.6%	5.2%	4.7%	4.3%	3.8%	3.3%	2.9%	2.4%.
253.40	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
253.45	4.3% ad val	4.2%	4.1%	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%.
254.05	1% ad val	1%	1%	1%	1%	0.9%	0.9%	0.9%	0.9%.

254.09	0.6¢ per lb. + 4% ad val.	0.4¢/lb. + 4%	0.3¢/lb. + 4%	0.2¢/lb. + 4%	0.1¢/lb. + 4%	4%	3.6%	3.1%	2.6%.
254.15	7% ad val	5.4%	5%	4.7%	4.3%	3.9%	3.5%	3.2%	2.8%.
254.18	3.4% ad val	3%	2.6%	2.1%	1.7%	1.3%	0.9%	0.4%	Free.
254.20	4% ad val	3.7%	3.4%	3.1%	2.8%	2.5%	2.2%	1.9%	1.6%.
254.25	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
254.30	3.5% ad val	3.2%	3.1%	3.1%	3%	2.9%	2.9%	2.8%	2.8%.
254.35	4.5 % ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
254.40	5.2% ad val	5%	4.9%	4.7%	4.5%	4.3%	4.2%	4%	3.8%.
254.42	4.3% ad val	4.2%	4.1%	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%.
254.44	1.6% ad val	1.4%	1.2%	1%	0.8%	0.6%	0.4%	0.2%	Free.
254.46	6.2% ad val	5.9%	5.4%	4.9%	4.4%	4%	3.5%	3%	2.5%.
254.48	1¢ per lb. + 4% ad val.	0.7¢/lb + 4%	0.4¢/lb + 4%	0.2¢/lb. + 4%	3.9%	3.5%	3.1%	2.6%	2.2%.
254.50	3.3% ad val	3.1%	2.8%	2.6%	2.3%	2.1%	1.8%	1.6%	1.3%.
254.54	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
254.56	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
254.58	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
254.63	3.7% ad val	3.6%	3.5%	3.4%	3.3%	3.2%	3.1%	3%	2.9%.
254.65	2.5% ad val	2.2%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free.
254.70	1.5¢ per lb. + 4% ad val.	1.3¢/lb. + 3.8%	1.1¢/lb. + 3.5%	0.9¢/lb. + 3.3%	0.7¢/lb. + 3%	0.5¢/lb. + 2.8%	0.4¢/lb. + 2.5%	0.1¢/lb. + 2.3%	2%.
254.75	2.7% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
254.80	3.2% ad val	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free.
254.85	4.8% ad val	4.4%	4%	3.7%	3.3%	3%	2.6%	2.3%	1.9%.
254.90	4.9% ad val	4.5%	4.2%	3.8%	3.5%	3.1%	2.7%	2.4%	2%.
254.95	3.3% ad val	2.9%	2.5%	2.1%	1.7%	1.2%	0.8%	0.4%	Free.
256.05	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
256.10	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
256.13	1% ad val	1%	1%	1%	1%	0.9%	0.9%	0.9%	0.9%.
256.15	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 2, Part 4— Continued									
256.20	0.7¢ per lb. + 5% ad val.	0.6¢/lb. + 5%	0.4¢/lb. + 5%	0.2¢/lb. + 5%	0.1¢/lb. + 5%	5%	4.4%	3.8%	3.2%.
256.25	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
256.30	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
256.35	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
256.40	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
256.42	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
256.44	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
256.48	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
256.52	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
256.54	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
256.56	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
256.58	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
256.60	6.5% ad val	4%	4%	4%	4%	4%	4%	4%	4%.
256.65	4.1% ad val	4%	3.9%	3.8%	3.7%	3.5%	3.4%	3.3%	3.2%.
256.67	0.7¢ per lb. + 8% ad val.	0.6¢/lb. + 7.7%	0.5¢/lb. + 7.5%	0.4¢/lb. + 7.2%	0.3¢/lb. + 6.9%	0.3¢/lb. + 6.6%	0.1¢/lb. + 6.4%	6.1%	5.8%.
256.70	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
256.75	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
256.80	4.9% ad val	4.7%	4.6%	4.4%	4.3%	4.1%	3.9%	3.8%	3.6%.
256.84	5.6% ad val	5.4%	5.2%	5%	4.8%	4.6%	4.4%	4.2%	4%.
256.90	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
Schedule 2, Part 5									
270.45	1.5% ad val	1.3%	1.1%	0.9%	0.8%	0.6%	0.4%	0.2%	Free.
270.50	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
273.30	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.

273.50	1.5% ad val	1.5%	1.5%	1.5%	1.5%	1.4%	1.4%	1.4%	1.4%.
273.55	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
273.65	37¢ per lb. + 5% ad val.	34¢/lb. + 4.7%	32¢/lb. + 4.4%	30¢/lb. + 4%	27¢/lb. + 3.7%	25¢/lb. + 3.4%	22¢/lb. + 3.1%	20¢/lb. + 2.7%	18¢/lb. + 2.4%.
273.70	9¢ per lb. + 5% ad val.	8.6¢/lb. + 4.8%	8.2¢/lb. + 4.6%	7.9¢/lb. + 4.4%	7.5¢/lb. + 4.3%	7.1¢/lb. + 4.1%	6.7¢/lb. + 3.9%	6.3¢/lb. + 3.7%	6¢/lb. + 3.5%.
273.75	10¢ per lb	9.6¢/lb	9.2¢/lb	8.9¢/lb	8.5¢/lb	8.1¢/lb	7.7¢/lb	7.3¢/lb	7¢/lb.
273.85	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
273.90	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
273.95	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
274.05	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
274.10	6¢ per lb	5¢/lb	4.5¢/lb	3.5¢/lb	3¢/lb	2¢/lb	1.5¢/lb	0.5¢/lb	Free.
274.15	2.5¢ per lb	2.4¢/lb	2.4¢/lb	2.3¢/lb	2.2¢/lb	2.2¢/lb	2.1¢/lb	2.1¢/lb	2¢/lb.
274.20	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
274.23	15¢ per lb	14.5¢/lb	14¢/lb	14¢/lb	13.5¢/lb	13¢/lb	12.5¢/lb	12¢/lb	12¢/lb.
274.27	32¢ per lb	31.5¢/lb	31¢/lb	30.5¢/lb	30¢/lb	29.5¢/lb	29¢/lb	28.5¢/lb	28¢/lb.
274.29	9¢ per lb	8.4¢/lb	7.7¢/lb	7.1¢/lb	6.5¢/lb	5.9¢/lb	5.2¢/lb	4.6¢/lb	4¢/lb.
274.33	15¢ per lb	14.5¢/lb	14¢/lb	13.5¢/lb	13¢/lb	12.5¢/lb	12¢/lb	11.5¢/lb	11¢/lb.
274.35	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
274.65	2.5¢ per lb	2¢/lb	2¢/lb	1.5¢/lb	1¢/lb	1¢/lb	0.5¢/lb	Free	Free.
274.70	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
274.75	6¢ per lb	5¢/lb	4.5¢/lb	3.5¢/lb	3¢/lb	2¢/lb	1.5¢/lb	0.5¢/lb	Free.
274.85	2% ad val	2%	2%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%.
274.90	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
Schedule 3, Part 1									
300.15	3.5¢ per lb	3.5¢/lb	3.5¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb	2¢/lb.
300.20	1.75¢ per lb	1.75¢/lb	1.75¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb.
300.60	14.5% ad val	14.5%	14.5%	13.9%	13.3%	12.7%	12%	11.4%	10.8%.
301.01	3.4% ad val	3.4%	3.4%	3.4%	3.3%	3.3%	3.2%	3.2%	3.1%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 1— Continued									
301.02	3.56% ad val	3.56%	3.56%	3.5%	3.5%	3.4%	3.4%	3.3%	3.3%.
301.03	3.72% ad val	3.72%	3.72%	3.7%	3.6%	3.5%	3.4%	3.4%	3.3%.
301.04	3.88% ad val	3.88%	3.88%	3.8%	3.3%	3.7%	3.6%	3.6%	3.5%.
301.05	4.04% ad val	4.04%	4.04%	4%	3.9%	3.8%	3.7%	3.7%	3.6%.
301.06	4.2% ad val	4.2%	4.2%	4.1%	4%	4%	3.9%	3.8%	3.7%.
301.07	4.36% ad val	4.36%	4.36%	4.3%	4.2%	4.1%	4.1%	4%	3.9%.
301.08	4.52% ad val	4.52%	4.52%	4.4%	4.3%	4.2%	4.1%	4%	3.9%.
301.09	4.68% ad val	4.68%	4.68%	4.6%	4.5%	4.4%	4.3%	4.2%	4.1%.
301.10	4.84% ad val	4.84%	4.84%	4.7%	4.6%	4.5%	4.4%	4.3%	4.2%.
301.11	5% ad val	5%	5%	4.9%	4.8%	4.7%	4.6%	4.5%	4.4%.
301.12	5.16% ad val	5.16%	5.16%	5.1%	4.9%	4.8%	4.7%	4.6%	4.5%.
301.13	5.32% ad val	5.32%	5.32%	5.2%	5.1%	5%	4.8%	4.7%	4.6%.
301.14	5.48% ad val	5.48%	5.48%	5.4%	5.2%	5.1%	5%	4.8%	4.7%.
301.15	5.64% ad val	5.64%	5.64%	5.5%	5.4%	5.2%	5.1%	4.9%	4.8%.
301.16	5.8% ad val	5.8%	5.8%	5.7%	5.5%	5.4%	5.3%	5.1%	5%.
301.17	5.96% ad val	5.96%	5.96%	5.8%	5.7%	5.5%	5.4%	5.2%	5.1%.
301.18	6.12% ad val	6.12%	6.12%	6%	5.8%	5.7%	5.5%	5.4%	5.2%.
301.19	6.28% ad val	6.28%	6.28%	6.1%	6%	5.8%	5.6%	5.5%	5.3%.
301.20	6.44% ad val	6.44%	6.44%	6.3%	6.1%	5.9%	5.7%	5.6%	5.4%.
301.21	6.6% ad val	6.6%	6.6%	6.4%	6.3%	6.1%	5.9%	5.8%	5.6%.
301.22	6.76% ad val	6.76%	6.76%	6.6%	6.4%	6.2%	6.1%	5.9%	5.7%.
301.23	6.92% ad val	6.92%	6.92%	6.7%	6.5%	6.4%	6.2%	6%	5.8%.
301.24	7.08% ad val	7.08%	7.08%	6.9%	6.7%	6.5%	6.3%	6.1%	5.9%.
301.25	7.24% ad val	7.24%	7.24%	7%	6.8%	6.6%	6.4%	6.2%	6%.
301.26	7.4% ad val	7.4%	7.4%	7.2%	7%	6.8%	6.5%	6.3%	6.1%.
301.27	7.56% ad val	7.56%	7.56%	7.4%	7.1%	6.9%	6.7%	6.5%	6.3%.
301.28	7.72% ad val	7.72%	7.72%	7.5%	7.3%	7.1%	6.8%	6.6%	6.4%.
301.29	7.88% ad val	7.88%	7.88%	7.7%	7.4%	7.2%	7%	6.7%	6.5%.
301.30	8.04% ad val	8.04%	8.04%	7.8%	7.5%	7.3%	7%	6.8%	6.5.%.
301.31	8.2% ad val	8.2%	8.2%	8%	7.7%	7.5%	7.2%	7%	6.7%.
301.32	8.36% ad val	8.36%	8.36%	8.1%	7.8%	7.6%	7.3%	7.1%	6.8%.
301.33	8.52% ad val	8.52%	8.52%	8.3%	8%	7.7%	7.4%	7.2%	6.9%.

301.34	8.68% ad val	8.68%	8.68%	8.4%	8.2%	7.9%	7.6%	7.4%	7.1.%
301.35	8.84% ad val	8.84%	8.34%	8.6%	8.3%	8%	7.7%	7.4%	7.1%.
301.36	9% ad val	9%	9%	8.7%	8.4%	8.1%	7.8%	7.5%	7.2%.
301.37	9.16% ad val	9.16%	9.16%	8.9%	8.6%	8.3%	8%	7.7%	7.4%.
301.38	9.32% ad val	9.32%	9.32%	9%	8.7%	8.4%	8.1%	7.8%	7.5%.
301.39	9.48% ad val	9.48%	9.48%	9.2%	8.9%	8.5%	8.2%	7.9%	7.6%.
301.40	9.64% ad val	9.64%	9.64%	9.3%	9%	8.6%	8.3%	7.9%	7.6%.
301.41	9.8% ad val	9.8%	9.8%	9.5%	9.1%	8.8%	8.5%	8.1%	7.8%.
301.42	9.96% ad val	9.96%	9.96%	9.6%	9.3%	8.9%	8.6%	8.2%	7.9%.
301.43	10.12% ad val	10.12%	10.12%	9.8%	9.4%	9.1%	8.7%	8.4%	8%.
301.44	10.28% ad val	10.28%	10.28%	9.9%	9.6%	9.2%	8.8%	8.5%	8.1%.
301.45	10.44% ad val	10.44%	10.44%	10.1%	9.7%	9.3%	8.9%	8.6%	8.2%.
301.46	10.6% ad val	10.6%	10.6%	10.2%	9.8%	9.5%	9.1%	8.7%	8.3%.
301.47	10.76% ad val	10.76%	10.76%	10.4%	10%	9.6%	9.3%	8.9%	8.5%.
301.48	10.92% ad val	10.92%	10.92%	10.5%	10.1%	9.7%	9.3%	8.9%	8.5%.
301.49	11.08% ad val	11.08%	11.08%	10.7%	10.3%	9.9%	9.5%	9.1%	8.7%.
301.50	11.24% ad val	11.24%	11.24%	10.8%	10.4%	10%	9.5%	9.1%	8.7%.
301.51	11.4% ad val	11.4%	11.4%	11%	10.6%	10.2%	9.7%	9.3%	8.9%.
301.52	11.56% ad val	11.56%	11.56%	11.1%	10.7%	10.3%	9.9%	9.4%	9%.
301.53	11.72% ad val	11.72%	11.72%	11.3%	10.8%	10.4%	10%	9.5%	9.1%.
301.54	11.88% ad val	11.88%	11.88%	11.4%	11%	10.5%	10.1%	9.6%	9.2%.
301.55	12.04% ad val	12.04%	12.04%	11.6%	11.1%	10.7%	10.2%	9.8%	9.3%.
301.56	12.2% ad val	12.2%	12.2%	11.7%	11.3%	10.8%	10.3%	9.9%	9.4%.
301.57	12.36% ad val	12.36%	12.36%	11.9%	11.4%	10.9%	10.5%	10%	9.5%.
301.58	12.52% ad val	12.52%	12.52%	12%	11.5%	11.1%	10.6%	10.1%	9.6%.
301.59	12.68% ad val	12.68%	12.68%	12.2%	11.7%	11.2%	10.7%	10.2%	9.7%.
301.60	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.70	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 1— Continued									
301.80	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.82	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.84	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.86	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.88	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.92	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.94	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.96	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12.5%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
301.98	3.6¢ per lb. + 13% ad val.	3.6¢/lb. + 13%	3.6¢/lb. + 13%	3.4¢/lb. + 12.5%	3.3¢/lb. + 12%	3.1¢/lb. + 11.5%	3¢/lb. + 10.9%	2.8¢/lb. + 10.4%	2.7¢/lb. + 9.9%.
302.—	Base rate + 3.25% ad val.	Base rate + 3.25%	Base rate + 3.25%	Base rate + 3.1%	Base rate + 2.9%	Base rate + 2.7%	Base rate + 2.5%	Base rate + 2.3%	Base rate + 2.1%.
303.10	14.5% ad val.	14.5%	14.5%	13.9%	13.3%	12.7%	12%	11.4%	10.8%
303.20	4¢ per lb. + 8% ad val.	4¢/lb + 8%	4¢/lb. + 8%	3¢/lb. + 7.5%	3¢/lb. + 7%	2¢/lb. + 6.5%	1¢/lb. + 6%	1¢/lb. + 5.5%	5%
304.04	4% ad val	1%	Free	Free	Free	Free	Free	Free	Free.
304.20	0.2¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
304.22	0.4¢ per lb	0.4¢/lb	0.4¢/lb	0.38¢/lb	0.37¢/lb	0.35¢/lb	0.33¢/lb	0.32¢/lb	0.3¢/lb.
304.28	4% ad val	4%	4%	3.9%	3.7%	3.6%	3.4%	3.3%	3.1%.
304.34	0.75¢ per lb	0.75¢/lb	0.75¢/lb	0.72¢/lb	0.7¢/lb	0.67¢/lb	0.65¢/lb	0.62¢/lb	0.6¢/lb.
304.36	5% ad val	5%	5%	2%	Free	Free	Free	Free	Free.
304.40	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
304.44	4% ad val	4%	4%	3.3%	2.7%	2%	1.3%	0.7%	Free.

304.52	4% ad val	4%	4%	3.9%	3.7%	3.6%	3.4%	3.3%	3.1%.
304.58	4% ad val	4%	4%	1%	Free	Free	Free	Free	Free.
305.04	4% ad val	4%	4%	3.9%	3.7%	3.6%	3.4%	3.3%	3.1%.
305.06	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
305.08	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
305.09	6.5% ad val	6.5%	6.5%	6.4%	6.3%	6.3%	6.2%	6.1%	6%.
305.10	15% ad val	15%	15%	13.5%	12%	10.5%	9%	7.5%	6%.
305.12	4% ad val	4%	4%	3.9%	3.7%	3.6%	3.4%	3.3%	3.1%.
305.14	17.5% ad val	17.5%	17.5%	15.9%	14.3%	12.7%	11%	9.4%	7.8%.
305.16	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
305.18	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
305.20	7.5% ad val	7.5%	7.5%	4.5%	3%	3%	3%	3%	3%.
305.22	11% ad val	11%	11%	8%	5%	4.4%	4.4%	4.4%	4.4%.
305.28	10% ad val	10%	10%	7%	4%	4%	4%	4%	4%.
305.30	12.5% ad val	12.5%	12.5%	9.5%	6.5%	5%	5%	5%	5%.
305.40	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
305.50	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
306.10	5.5¢ per clean lb	4¢/clean lb	3¢/clean lb	2¢/clean lb	2¢/clean lb	2¢/clean lb	2¢/clean lb	2¢/clean lb	2¢/clean lb.
306.11	6.5¢ per clean lb	5¢/clean lb	3.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb.
306.12	7¢ per clean lb	5.5¢/clean lb	4¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb	2.5¢/clean lb.
306.13	8¢ per clean lb	6¢/clean lb	4.5¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb.
306.14	11.5¢ per lb	11.5¢/lb	11.5¢/lb	10¢/lb	9¢/lb	7.5¢/lb	6.5¢/lb	5¢/lb	4¢/lb.
306.20	7.5¢ per clean lb	7¢/clean lb	6¢/clean lb	5.5¢/clean lb	5¢/clean lb	4.5¢/clean lb	4¢/clean lb	3.5¢/clean lb	3¢/clean lb.
306.21	8.5¢ per clean lb	6.5¢/clean lb	4.5¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb.
306.22	9¢ per clean lb	7¢/clean lb	5¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb	3¢/clean lb.
306.23	10¢ per clean lb	8¢/clean lb	6¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb.
306.24	13.5¢ per lb	13.5¢/lb	13.5¢/lb	12¢/lb	10¢/lb	9¢/lb	7¢/lb	6¢/lb	5¢/lb.
306.30	12¢ per clean lb	9¢/clean lb	6.5¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb	4¢/clean lb.
306.31	25.5¢ per clean lb.	20¢/clean lb	15¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 1— Continued									
306.32	26.25¢ per clean lb.	20¢/clean lb	15¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb	10¢/clean lb.
306.33	27.75¢ per clean lb.	22¢/clean lb	16.5¢/clean lb	11¢/clean lb	11¢/clean lb	11¢/clean lb	11¢/clean lb	11¢/clean lb	11¢/clean lb.
306.34	33¢ per lb	26¢/lb	19¢/lb	13¢/lb	13¢/lb	13¢/lb	13¢/lb	13¢/lb	13¢/lb.
306.40	11¢ per clean lb	10¢/clean lb	9¢/clean lb	8.5¢/clean lb	7.5¢/clean lb	6.5¢/clean lb	6¢/clean lb	5¢/clean lb	4.5¢/clean lb.
306.41	12¢ per clean lb	12¢/clean lb	12¢/clean lb	10.5¢/clean lb	9.5¢/clean lb	8.5¢/clean lb	7¢/clean lb	6¢/clean lb	5¢/clean lb.
306.42	12.5¢ per clean lb.	12.5¢/clean lb	12.5¢/clean lb	11¢/clean lb	10¢/clean lb	8.5¢/clean lb	7.5¢/clean lb	6¢/clean lb	5¢/clean lb.
306.43	13¢ per clean lb	13¢/clean lb	13¢/clean lb	11.5¢/clean lb	10¢/clean lb	9¢/clean lb	7.5¢/clean lb	6¢/clean lb	5¢/clean lb.
306.44	17¢ per lb	17¢/lb	17¢/lb	15¢/lb	13.5¢/lb	12¢/lb	10¢/lb	8.5¢/lb	7¢/lb.
306.52	3¢ per clean lb	3¢/clean lb	3¢/clean lb	Free	Free	Free	Free	Free	Free.
306.53	4¢ per clean lb	4¢/clean lb	4¢/clean lb	3.5¢/clean lb	3¢/clean lb	3¢/clean lb	2.5¢/clean lb	2¢/clean lb	1.5¢/clean lb.
306.54	5¢ per lb	5¢/lb	5¢/lb	4.5¢/lb	4¢/lb	3.5¢/lb	3¢/lb	2.5¢/lb	2¢/lb.
306.60	8¢ per clean lb	7.5¢/clean lb	6.5¢/clean lb	6¢/clean lb	5.5¢/clean lb	5¢/clean lb	4¢/clean lb	3.5¢/clean lb	3¢/clean lb.
306.61	9¢ per clean lb	9¢/clean lb	9¢/clean lb	8¢/clean lb	7¢/clean lb	6¢/clean lb	5¢/clean lb	4¢/clean lb	3.5¢/clean lb.
306.62	9¢ per clean lb	9¢/clean lb	9¢/clean lb	8¢/clean lb	7¢/clean lb	6¢/clean lb	5¢/clean lb	4¢/clean lb	3.5¢/clean lb.
306.63	10¢ per clean lb	10¢/clean lb	10¢/clean lb	9¢/clean lb	8¢/clean lb	7¢/clean lb	6¢/clean lb	5¢/clean lb	4¢/clean lb.
306.64	14¢ per lb	14¢/lb	14¢/lb	12.5¢/lb	11¢/lb	9.5¢/lb	8¢/lb	7¢/lb	5.5¢/lb.
306.70	10¢ per clean lb	9¢/clean lb	8.5¢/clean lb	7.5¢/clean lb	7¢/clean lb	6¢/clean lb	5.5¢/clean lb	4.5¢/clean lb	4¢/clean lb.
306.71	11¢ per clean lb	11¢/clean lb	11¢/clean lb	10¢/clean lb	8.5¢/clean lb	7.5¢/clean lb	6.5¢/clean lb	5.5¢/clean lb	4.5¢/clean lb.
306.72	11¢ per clean lb	11¢/clean lb	11¢/clean lb	10¢/clean lb	9¢/clean lb	7.5¢/clean lb	6.5¢/clean lb	5.5¢/clean lb	4.5¢/clean lb.
306.73	12.5¢ per clean lb.	12.5¢/clean lb	12.5¢/clean lb	11¢/clean lb	10¢/clean lb	8.5¢/clean lb	7.5¢/clean lb	6¢/clean lb	5¢/clean lb.
306.74	16¢ per lb	16¢/lb	16¢/lb	14.5¢/lb	12.5¢/lb	11¢/lb	9.5¢/lb	8¢/lb	6.5¢/lb.
306.80	16¢ per clean lb	15¢/clean lb	14¢/clean lb	12¢/clean lb	11¢/clean lb	10¢/clean lb	9¢/clean lb	8¢/clean lb	6.5¢/clean lb.
306.81	17¢ per clean lb	17¢/clean lb	17¢/clean lb	15¢/clean lb	13.5¢/clean lb	12¢/clean lb	10¢/clean lb	8.5¢/clean lb	7¢/clean lb.
306.82	17¢ per clean lb	17¢/clean lb	17¢/clean lb	15¢/clean lb	13.5¢/clean lb	12¢/clean lb	10¢/clean lb	8.5¢/clean lb	7¢/clean lb.
306.83	18¢ per clean lb	18¢/clean lb	18¢/clean lb	16¢/clean lb	14¢/clean lb	12¢/clean lb	10¢/clean lb	8.5¢/clean lb	7¢/clean lb.
306.84	22¢ per lb	22¢/lb	22¢/lb	19.5¢/lb	17.5¢/lb	15.5¢/lb	13¢/lb	11¢/lb	9¢/lb.
307.02	4.5¢ per lb	4.5¢/lb	4.5¢/lb	4.1¢/lb	3.7¢/lb	3.2¢/lb	2.8¢/lb	2.4¢/lb	2¢/lb.
307.04	7¢ per lb	7¢/lb	7¢/lb	6¢/lb	5.5¢/lb	5¢/lb	4¢/lb	3.5¢/lb	3¢/lb.

307.06	6¢ per lb	6¢/lb	6¢/lb	5¢/lb	4.5¢/lb	4¢/lb	3.5¢/lb	3¢/lb	2.5¢/lb.
307.08	8¢ per lb	8¢/lb	8¢/lb	7¢/lb	6¢/lb	5.5¢/lb	4.5¢/lb	3.5¢/lb	3¢/lb.
307.10	14¢ per lb	14¢/lb	14¢/lb	12.5¢/lb	11¢/lb	9.5¢/lb	8¢/lb	7¢/lb	5.5¢/lb.
307.12	6.5¢ per lb	6.5¢/lb	6.5¢/lb	5.5¢/lb	5¢/lb	4.5¢/lb	3.5¢/lb	3¢/lb	2.5¢/lb.
307.16	5¢ per lb	5¢/lb	5¢/lb	4.5¢/lb	4¢/lb	3.5¢/lb	3¢/lb	2.5¢/lb	2¢/lb.
307.18	4.5¢ per lb	4.5¢/lb	4.5¢/lb	4.1¢/lb	3.7¢/lb	3.2¢/lb	2.8¢/lb	2.4¢/lb	2¢/lb.
307.30	3.5¢ per lb	3.5¢/lb	3.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb	1.5¢/lb.
307.50	27.75¢ per lb. + 6.25% ad val.	27.75¢/lb. + 6.25%	27.75¢/lb. + 6.25%	23¢/lb. + 6.25%	19¢/lb. + 6.25%	15¢/lb. + 6.25%	11¢/lb. + 6.25%	7¢/lb. + 6.25%	3.5¢/lb. + 6.25%
307.52	27.75¢ per lb. + 6.25% ad val.	27.75¢/lb. + 6.25%	27.75¢/lb. + 6.25%	23¢/lb. + 6.25%	19¢/lb. + 6.25%	15¢/lb. + 6.25%	11¢/lb. + 6.25%	7¢/lb. + 6.25%	3.5¢/lb. + 6.25%
307.62	20¢ per lb. + 5% ad val.	20¢/lb. + 5%	20¢/lb. + 5%	17¢/lb. + 5%	13¢/lb. + 5%	10¢/lb. + 5%	7¢/lb. + 5%	3¢/lb. + 5%	5%.
307.66	30¢ per lb. + 15% ad val.	20¢/lb. + 15%	10¢/lb. + 15%	15%	13%	11%	9%	9%	9%.
307.68	30¢ per lb. + 15% ad val.	30¢/lb. + 15%	30¢/lb. + 15%	18¢/lb. + 15%	6¢/lb. + 15%	13.5%	10.5%	9%	9%.
308.06	7% ad val	4%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%.
308.10	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
308.16	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
308.18	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
308.20	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
308.30	10% ad val	7%	5%	5%	5%	5%	5%	5%	5%.
308.35	10% ad val	9.4%	8.8%	8.1%	7.5%	6.9%	6.3%	5.6%	5%.
308.40	8.5% ad val	8.1%	7.6%	7.2%	6.8%	6.3%	5.9%	5.4%	5%.
308.45	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
308.47	10% ad val	9.4%	8.8%	8.1%	7.5%	6.9%	6.3%	5.6%	5%.
308.50	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
308.51	10% ad val	7%	5%	5%	5%	5%	5%	5%	5%.
308.55	10% ad val	9.4%	8.8%	8.1%	7.5%	6.9%	6.3%	5.6%	5%.
308.60	8.5% ad val	8.1%	7.6%	7.2%	6.8%	6.3%	5.9%	5.4%	5%.
308.65	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
308.66	10% ad val	9.4%	8.8%	8.1%	7.5%	6.9%	6.3%	5.6%	5%.
308.70	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
308.71	10% ad val	9.4%	8.8%	8.1%	7.5%	6.9%	6.3%	5.6%	5%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 1—Continued									
308.75	13.5% ad val	12.4%	11.4%	10.3%	9.3%	8.2%	7.1%	6.1%	5%.
308.80	13.5% ad val	13.5%	13.5%	12.1%	10.7%	9.3%	7.8%	6.4%	5%.
308.90	10% ad val	9.4%	8.8%	8.1%	7.5%	6.9%	6.3%	5.6%	5%.
309.02 [2]	20¢ per lb	20¢/lb	20¢/lb	18.5¢/lb	17¢/lb	15.5¢/lb	14¢/lb	12.5¢/lb	11¢/lb.[2]
309.03	25% ad val	25%	25%	22.5%	20%	17.5%	15%	12.5%	10%.
309.05	15¢ per lb	15¢/lb	15¢/lb	13.5¢/lb	12¢/lb	10.5¢/lb	9¢/lb	7.5¢/lb	6¢/lb.
309.06	17.5% ad val	17.5%	17.5%	15.9%	14.3%	12.7%	11%	9.4%	7.8%.
309.10	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 13.8%	8¢/lb. + 12.5%	6¢/lb. + 11.3%	4¢/lb. + 10%	2¢/lb. + 8.8%	7.5%.
309.20	12.5¢ per lb	12.5¢/lb	12.5¢/lb	11¢/lb	10¢/lb	8.5¢/lb	7.5¢/lb	6¢/lb	5¢/lb.
309.21	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
309.25	12.5¢ per lb. + 15% ad val.	12.5¢/lb. + 15%	12.5¢/lb. + 15%	10¢/lb. + 13.8%	8¢/lb. + 12.5%	6¢/lb. + 11.3%	4¢/lb. + 10%	2¢/lb. + 8.8%	7.5%.
309.28	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
309.29	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
309.30	8.5¢ per lb	8.5¢/lb	8.5¢/lb	8.1¢/lb	7.6¢/lb	7.2¢/lb	6.8¢/lb	6.4¢/lb	6¢/lb.
309.31	10.5% ad val	10.5%	10.5%	10.4%	10.3%	10.3%	10.2%	10.1%	10%.
309.35	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10.5¢/lb. + 13.5%.	9.5¢/lb. + 12%	8.5¢/lb. + 10.5%	7¢/lb. + 9%	6¢/lb. + 7.5%	5¢/lb. + 6%.
309.43	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
309.50	12.5¢ per lb. + 15% ad val.	12.5¢/lb. + 15%	12.5¢/lb. + 15%	11¢/lb. + 13.7%	10¢/lb. + 12.3%	9¢/lb. + 11%	7.5¢/lb. + 9.7%	6.5¢/lb. + 8.3%	5.5¢/lb. + 7%.
309.60	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
309.65	3.7¢ per lb	3.7¢/lb	3.7¢/lb	3.5¢/lb	3.3¢/lb	3.1¢/lb	2.9¢/lb	2.7¢/lb	2.5¢/lb.
309.66	2.5% ad val	2.5%	2.5%	2.4%	2.4%	2.3%	2.2%	2.2%	2.1%.
309.70	2.5¢ per lb. + 6% ad val.	2.5¢/lb. + 6%	2.5¢/lb. + 6%	2.1¢/lb. + 6%	1.6¢/lb. + 6%	1.2¢/lb. + 6%	0.8¢/lb. + 6%	0.4¢/lb. + 6%	6%.
309.75	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
309.80	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 13.8%	8¢/lb. + 12.7%	6¢/lb. + 11.5%	4¢/lb. + 10.3%	2¢/lb. + 9.2%	8%.
309.90	2.5¢ per lb. + 7.5% ad val.	2.5¢/lb. + 7.5%	2.5¢/lb. + 7.5%	2.1¢/lb. + 7.3%	1.6¢/lb. + 7.2%	1.2¢/lb. + 7%	0.8¢/lb. + 6.8%	0.4¢/lb. + 6.7%	6.5%.

309.98	10.5% ad val	10.1%	9.7%	9.3%	9%	8.6%	8.2%	7.9%	7.4%.
309.99	15% ad val	14.3%	13.7%	13%	12.3%	11.6%	11%	10.3%	9.6%.
310.01	12.5¢ per lb	12.5¢/lb	12.5¢/lb	11.5¢/lb	11¢/lb	10¢/lb	9.5¢/lb	8.5¢/lb	8¢/lb.
310.02	16% ad val	16%	16%	15%	14%	13%	12%	11%	10%.
310.05	25¢ per lb	25¢/lb	25¢/lb	24¢/lb	23¢/lb	22¢/lb	21¢/lb	20¢/lb	19¢/lb.
310.06	11¢ per lb. + 12.5% ad val.	11¢/lb. + 12.5%	11¢/lb. + 12.5%	9¢/lb. + 12.3%	7¢/lb. + 12.2%	5.5¢/lb. + 12%	3.5¢/lb. + 11.8%	1.5¢/lb. + 11.7%	11.5%
310.10	16¢ per lb	16¢/lb	16¢/lb	14.5¢/lb	13.5¢/lb	12.5¢/lb	11¢/lb	10¢/lb	9¢/lb.
310.11	13.5% ad val	13.5%	13.5%	12.7%	12%	11.2%	10.4%	9.7%	8.9%.
310.20	25¢ per lb	25¢/lb	25¢/lb	23¢/lb	21.5¢/lb	19.5¢/lb	18¢/lb	16¢/lb	14.5¢/lb.
310.21	11¢ per lb. + 13.5% ad val.	11¢/lb. + 13.5%	11¢/lb. + 13.5%	9¢/lb. + 13.3%	7¢/lb. + 13%	5.5¢/lb. + 12.8%	3.5¢/lb. + 12.5%	1.5¢/lb. + 12.3%	12%
310.40	3.1¢ per lb. + 11% ad val.	3.1¢/lb. + 11%	3.1¢/lb. + 11%	2.5¢/lb. + 11%	2¢/lb. + 11%	1.5¢/lb. + 11%	1¢/lb. + 11%	0.5¢/lb. + 11%	11%
310.50	3¢ per lb. + 12.5% ad val.	3¢/lb. + 12.5%	3¢/lb. + 12.5%	2.5¢/lb. + 12.4%	2¢/lb. + 12.3%	1.5¢lb. + 12.3%	1¢/lb. + 12.2%	0.5¢/lb. + 12.1%	12%.

[1] The symbol "%" indicates ad valoren. The symbol "/" indicates per stated unit of quantity.

[2] For item 309.02, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—0.5¢/lb.
Effective with respect to articles entered on and after January 1, 1989—0¢/lb.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 1—Continued									
310.60	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 15%	8¢/lb. + 15%	6¢/lb. + 15%	4¢/lb. + 15%	2¢/lb. + 15%	15%.
310.80	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 14.4%	8¢/lb. + 13.8%	6¢/lb. + 13.3%	4¢/lb. + 12.7%	2¢/lb. + 12.1%	11.5%.
310.90	20¢ per lb	20¢/lb	20¢/lb	18.5¢/lb	17¢/lb	15.5¢/lb	14¢/lb	12.5¢/lb	11.5¢/lb.
310.91	22% ad val	22%	22%	20.5%	19%	17.5%	16%	14.5%	13%.
312.10	5% ad val	5%	5%	4.8%	4.6%	4.4%	4.1%	3.9%	3.7%.
312.30	3¢ per lb. + 5% ad val.	3¢/lb. + 5%	3¢/lb. + 5%	2.5¢/lb. + 4.6%	2¢/lb. + 4.2%	1.5¢/lb. + 3.8%	1¢/lb. + 3.3%	0.5¢/lb. + 2.9%	2.5%.
312.40	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
312.50	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
Schedule 3. Part 2.									
315.05	20% ad val	20%	20%	18%	16.1%	14.1%	12.1%	10.2%	8.2%.
315.10	20% ad val	20%	20%	18%	16.1%	14.1%	12.1%	10.2%	8.2%.
315.15	20% ad val	20%	20%	18%	16.1%	14.1%	12.1%	10.2%	8.2%.
315.25	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
315.30	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
315.35	2¢ per lb. + 10% ad val.	0.7¢/lb. + 10%	8.5%	6.8%	6.8%	6.8%	6.8%	6.8%	6.8%.
315.40	1¢ per lb. + 7.5% ad val.	1¢/lb. + 7.5%	1¢/lb. + 7.5%	0.8¢/lb. + 7.4%	0.6¢/lb. + 7.3%	0.5¢/lb. + 7.3%	0.3¢/lb. + 7.2%	0.1¢/lb. + 7.1%	7%.
315.45	2¢/lb. + 15% ad val.	2¢/lb. + 15%	2¢/lb. + 15%	15%	12%	9%	7%	7%	7%.
315.50	2¢ per lb	0.7¢/lb	Free	Free	Free	Free	Free	Free	Free.
315.55	1¢ per lb	1¢/lb	1¢/lb	0.95¢/lb	0.95¢/lb	0.9¢/lb	0.85¢/lb	0.85¢/lb	0.8¢/lb.
315.60	2¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
315.75	10% ad val	10%	10%	9.5%	9%	8.5%	8%	7.5%	7%.
315.80	10% ad val	10%	10%	9%	8%	7%	6%	5%	4%.
315.85	12.5% ad val	12.5%	12.5%	11.3%	10%	8.8%	7.5%	6.3%	5%.
315.90	10.5% ad val	10.5%	10.5%	7.5%	4.5%	4.2%	4.2%	4.2%	4.2%.
315.95	13% ad val	13%	13%	10%	7%	5.2%	5.2%	5.2%	5.2%.

316.05	15% ad val	15%	15%	13.5%	12%	10.5%	9%	7.5%	6%.
316.10	8% ad val	8%	8%	7.7%	7.3%	7%	6.7%	6.3%	6%.
316.20	15% ad val	15%	15%	13.5%	12%	10.5%	9%	7.5%	6%.
316.25	8% ad val	8%	8%	7.7%	7.3%	7%	6.7%	6.3%	6%.
316.30	3% ad val	3%	3%	2.9%	2.8%	2.8%	2.7%	2.6%	2.5%.
316.40	16% ad val	16%	16%	13%	10%	7.5%	7.5%	7.5%	7.5%.
316.50	13.5% ad val	10.5%	7.5%	7%	7%	7%	7%	7%	7%.
316.55	12.5¢ per lb. + 15% ad val.	(²)	(²)	10¢/lb. + 13.8%	8¢/lb. + 12.7%	6¢/lb. + 11.5%	4¢/lb. + 10.3%	2¢/lb. + 9.2%	8%.
316.70	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
Schedule 3, Part 3.									
319.01	9% ad val	9%	9%	8.5%	8%	7.5%	7%	6.5%	6%.
319.03	11.5% ad val	11.5%	11.5%	10.6%	9.7%	8.8%	7.8%	6.9%	6%.
319.05	13% ad val	13%	13%	11.8%	10.7%	9.5%	8.3%	7.2%	6%.
319.07	14.5% ad val	14.5%	14.5%	13.1%	11.7%	10.3%	8.8%	7.4%	6%.
319.21	7.5% ad val. + 0.25% ad val. for each number.	7.5% + 0.25% for each number.	7.5% + 0.25% for each number.	7.1% + 0.24% for each number.	6.7% + 0.23% for each number.	6.4% + 0.23% for each number.	6% + 0.22% for each number.	5.6% + 0.21% for each number.	5.2% + 0.2% for each number.
319.23	5¢ per lb.+7.5% ad val.+0.25% ad val. for each number.	5¢/lb. + 7.5% + 0.25% for each number.	5¢/lb. + 7.5% + 0.25% for each number.	4.7¢/lb. + 7.1% + 0.24% for each number.	4.5¢/lb. + 6.7% + 0.23% for each number.	4.2¢/lb. + 6.4% + 0.23% for each number.	4¢/lb. + 6% + 0.22% for each number.	3.7¢/lb. + 5.6% + 0.21% for each number.	3.5¢/lb. + 5.2% + 0.2% for each number.
319.25	5¢ per lb. + 27.5% ad val.	5¢/lb. + 27.5%	5¢/lb. + 27.5%	4.7¢/lb. + 26.1%	4.5¢/lb. + 24.7%	4.2¢/lb. + 23.4%	4¢/lb. + 22%	3.7¢/lb. + 20.6%	3.5¢/lb. + 19.2%.
319.27	Base rate + 2.5% ad val.	Base rate + 2.5%	Base rate + 2.5%	Base rate + 2.4%	Base rate + 2.3%	Base rate + 2.2%	Base rate + 2%	Base rate + 1.9%	Base rate+1.8%.
319.29	Base rate + 4.5% ad val.	Base rate + 4.5%	Base rate + 4.5%	Base rate + 4.3%	Base rate + 4.1%	Base rate+3.9%	Base rate + 3.6%	Base rate + 3.4%	Base rate+3.2%.
320.01	5.9% ad val	5.9%	5.9%	5.8%	5.6%	5.5%	5.4%	5.2%	5.1%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quanity.

[2] This item is not established until January 1, 1987.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty.[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 3— Continued									
320.02	6.09% ad val	6.09%	6.09%	5.9%	5.8%	5.6%	5.5%	5.3%	5.2%.
320.03	6.28% ad val	6.28%	6.28%	6.1%	6%	5.8%	5.6%	5.5%	5.3%.
320.04	6.47% ad val	6.47%	6.47%	6.3%	6.1%	6%	5.8%	5.7%	5.5%.
320.05	6.66% ad val	6.66%	6.66%	6.5%	6.3%	6.1%	6%	5.8%	5.6%.
320.06	6.85% ad val	6.85%	6.85%	6.7%	6.5%	6.3%	6.2%	6%	5.8%.
320.07	7.04% ad val	7.04%	7.04%	6.9%	6.7%	6.5%	6.3%	6.1%	5.9%.
320.08	7.23% ad val	7.23%	7.23%	7%	6.8%	6.6%	6.4%	6.2%	6%.
320.09	7.42% ad val	7.42%	7.42%	7.2%	7%	6.8%	6.5%	6.3%	6.1%.
320.10	7.61% ad val	7.61%	7.61%	7.4%	7.2%	7%	6.7%	6.5%	6.3%.
320.11	7.8% ad val	7.8%	7.8%	7.6%	7.3%	7.1%	6.9%	6.6%	6.4%.
320.12	7.99% ad val	7.99%	7.99%	7.8%	7.5%	7.3%	7.1%	6.8%	6.6%.
320.13	8.18% ad val	8.18%	8.18%	7.9%	7.7%	7.4%	7.2%	6.9%	6.7%.
320.14	8.37% ad val	8.37%	8.37%	8.1%	7.8%	7.6%	7.3%	7.1%	6.8%.
320.15	8.56% ad val	8.56%	8.56%	8.3%	8%	7.8%	7.5%	7.3%	7%.
320.16	8.75% ad val	8.75%	8.75%	8.5%	8.2%	7.9%	7.7%	7.4%	7.1%.
320.17	8.94% ad val	8.94%	8.94%	8.7%	8.4%	8.1%	7.8%	7.5%	7.2%.
320.18	9.13% ad val	9.13%	9.13%	8.8%	8.5%	8.2%	7.9%	7.6%	7.3%.
320.19	9.32% ad val	9.32%	9.32%	9%	8.7%	8.4%	8.1%	7.8%	7.5%.
320.20	9.51% ad val	9.51%	9.51%	9.2%	8.9%	8.6%	8.2%	7.9%	7.6%.
320.21	9.7% ad val	9.7%	9.7%	9.4%	9%	8.7%	8.4%	8%	7.7%.
320.22	9.89% ad val	9.89%	9.89%	9.6%	9.2%	8.9%	8.6%	8.2%	7.9%.
320.23	10.08% ad val	10.08%	10.08%	9.7%	9.4%	9%	8.7%	8.3%	8%.
320.24	10.27% ad val	10.27%	10.27%	9.9%	9.5%	9.2%	8.8%	8.5%	8.1%.
320.25	10.46% ad val	10.46%	10.46%	10.1%	9.7%	9.4%	9%	8.7%	8.3%.
320.26	10.65% ad val	10.65%	10.65%	10.3%	9.9%	9.5%	9.2%	8.8%	8.4%.
320.27	10.84% ad val	10.84%	10.84%	10.5%	10.1%	9.7%	9.3%	8.9%	8.5%.
320.28	11.03% ad val	11.03%	11.03%	10.6%	10.2%	9.8%	9.4%	9%	8.6%.
320.29	11.22% ad val	11.22%	11.22%	10.8%	10.4%	10%	9.5%	9.1%	8.7%.
320.30	11.41% ad val	11.41%	11.41%	11%	10.5%	10.1%	9.7%	9.2%	8.8%.
320.31	11.6% ad val	11.6%	11.6%	11.2%	10.7%	10.3%	9.9%	9.4%	9%.
320.32	11.79% ad val	11.79%	11.79%	11.3%	10.9%	10.4%	10%	9.5%	9.1%.
320.33	11.98% ad val	11.98%	11.98%	11.5%	11.1%	10.6%	10.2%	9.7%	9.3%.
320.34	12.17% ad val	12.17%	12.17%	11.7%	11.2%	10.8%	10.3%	9.9%	9.4%.

320.35	12.36% ad val	12.36%	12.36%	11.9%	11.4%	10.9%	10.5%	10%	9.5%.
320.36	12.55% ad val	12.55%	12.55%	12.1%	11.6%	11.1%	10.6%	10.1%	9.6%.
320.37	12.74% ad val	12.74%	12.74%	12.2%	11.7%	11.2%	10.7%	10.2%	9.7%.
320.38	12.93% ad val	12.93%	12.93%	12.4%	11.9%	11.4%	10.8%	10.3%	9.8%.
320.39	13.12% ad val	13.12%	13.12%	12.6%	12.1%	11.6%	11%	10.5%	10%.
320.40	13.31% ad val	13.31%	13.31%	12.8%	12.2%	11.7%	11.2%	10.6%	10.1%.
320.41	13.5% ad val	13.5%	13.5%	13%	12.4%	11.9%	11.3%	10.8%	10.2%.
320.42	13.69% ad val	13.69%	13.69%	13.1%	12.6%	12%	11.4%	10.9%	10.3%.
320.43	13.88% ad val	13.88%	13.88%	13.3%	12.8%	12.2%	11.6%	11.1%	10.5%.
320.44	14.07% ad val	14.07%	14.0–7%	13.5%	12.9%	12.3%	11.8%	11.2%	10.6%.
320.45	14.26% ad val	14.26%	14.26%	13.7%	13.1%	12.5%	11.9%	11.3%	10.7%.
320.46	14.45% ad val	14.45%	14.45%	13.8%	13.2%	12.6%	12%	11.4%	10.8%.
320.47	14.64% ad val	14.64%	14.64%	14%	13.4%	12.8%	12.1%	11.5%	10.9%.
320.48	14.83% ad val	14.83%	14.83%	14.2%	13.6%	12.9%	12.3%	11.6%	11%.
320.49	15.02% ad val	15.02%	15.02%	14.4%	13.7%	13.1%	12.4%	11.8%	11.1%.
320.50	15.21% ad val	15.21%	15.21%	14.5%	13.9%	13.2%	12.5%	11.9%	11.2%.
320.51	15.4% ad val	15.4%	15.4%	14.7%	14.1%	13.4%	12.7%	12.1%	11.4%.
320.52	15.59% ad val	15.59%	15.59%	14.9%	14.2%	13.5%	12.9%	12.2%	11.5%.
320.53	15.78% ad val	15.78%	15.78%	15.1%	14.4%	13.7%	13%	12.3%	11.6%.
320.54	15.97% ad val	15.97%	15.97%	15.3%	14.6%	13.9%	13.2%	12.5%	11.8%.
320.55	16.16% ad val	16.16%	16.16%	15.5%	14.7%	14%	13.3%	12.6%	11.9%.
320.56	16.35% ad val	16.35%	16.35%	15.6%	14.9%	14.2%	13.5%	12.7%	12%.
320.57	16.54% ad val	16.54%	16.54%	15.8%	15.1%	14.3%	13.6%	12.8%	12.1%.
320.58	16.73% ad val	16.73%	16.73%	16%	15.2%	14.5%	13.7%	13%	12.2%.
320.59	16.92% ad val	16.92%	16.92%	16.2%	15.4%	14.6%	13.8%	13.1%	12.3%.
320.60	3.8¢ per lb. + 17.11% ad val.	3.8¢/lb. + 17.11%	3.8¢/lb. + 17.11%	3.6¢/lb. + 16.3%	3.4¢/lb. + 15.4%	3.2¢/lb. + 14.6%	3.1¢/lb. + 13.7%	2.9¢/lb. + 12.9%	2.7¢/lb. + 12%.
320.61	3.8¢ per lb. + 17.3% ad val.	3.8¢/lb. + 17.3%	3.8¢/lb. + 17.3%	3.6¢/lb. + 16.4%	3.4¢/lb. + 15.6%	3.2¢/lb. + 14.7%	3.1¢/lb. + 13.8%	2.9¢/lb. + 13%	2.7¢/lb. + 12.1%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 3— Continued									
320.62	3.8¢ per lb.+17.49% ad val.	3.8¢/lb.+17.49%	3.8¢/lb.+17.49%	3.6¢/lb.+16.6%	3.4¢/lb.+15.7%	3.2¢/lb.+14.8%	3.1¢/lb.+14%	2.9¢/lb.+13.1%	2.7¢/lb.+12.2%.
320.63	3.8¢ per lb.+17.68% ad val.	3.8¢/lb.+17.68%	3.8¢/lb.+17.68%	3.6¢/lb.+16.8%	3.4¢/lb.+15.9%	3.2¢/lb.+15%	3.1¢/lb.+14.2%	2.9¢/lb.+13.3%	2.7¢/lb.+12.4%.
320.64	3.8¢ per lb.+17.87% ad val.	3.8¢/lb.+17.87%	3.8¢/lb.+17.87%	3.6¢/lb.+17%	3.4¢/lb.+16.1%	3.2¢/lb.+15.2%	3.1¢/lb.+14.3%	2.9¢/lb.+13.4%	2.7¢/lb.+12.5%.
320.65	3.8¢ per lb.+18.06% ad val.	3.8¢/lb.+18.06%	3.8¢/lb.+18.06%	3.6¢/lb.+17.2%	3.4¢/lb.+16.2%	3.2¢/lb.+15.3%	3.1¢/lb.+14.4%	2.9¢/lb.+13.5%	2.7¢/lb.+12.6%.
320.66	3.8¢ per lb.+18.25% ad val.	3.8¢/lb.+18.25%	3.8¢/lb.+18.25%	3.6¢/lb.+17.3%	3.4¢/lb.+16.4%	3.2¢/lb.+15.5%	3.1¢/lb.+14.6%	2.9¢/lb.+13.7%	2.7¢/lb.+12.8%.
320.67	3.8¢ per lb.+18.44% ad val.	3.8¢/lb.+18.44%	3.8¢/lb.+18.44%	3.6¢/lb.+17.5%	3.4¢/lb.+16.6%	3.2¢/lb.+15.7%	3.1¢/lb.+14.7%	2.9¢/lb.+13.8%	2.7¢/lb.+12.9%.
320.68	3.8¢ per lb.+18.63% ad val.	3.8¢/lb.+18.63%	3.8¢/lb.+18.63%	3.6¢/lb.+17.7%	3.4¢/lb.+16.8%	3.2¢/lb.+15.8%	3.1¢/lb.+14.9%	2.9¢/lb.+13.9%	2.7¢/lb.+13%.
320.69	3.8¢ per lb.+18.82% ad val.	3.8¢/lb.+18.82%	3.8¢/lb.+18.82%	3.6¢/lb.+17.9%	3.4¢/lb.+16.9%	3.2¢/lb.+16%	3.1¢/lb.+15.1%	2.9¢/lb.+14.1%	2.7¢/lb.+13.2%.
320.70	3.8¢ per lb.+19.01% ad val.	3.8¢/lb.+19.01%	3.8¢/lb.+19.01%	3.6¢/lb.+18.1%	3.4¢/lb.+17.1%	3.2¢/lb.+16.2%	3.1¢/lb.+15.2%	2.9¢/lb.+14.3%	2.7¢/lb.+13.3%.
320.71	3.8¢ per lb.+19.2% ad val.	3.8¢/lb.+19.2%	3.8¢/lb.+19.2%	3.6¢/lb.+18.2%	3.4¢/lb.+17.3%	3.2¢/lb.+16.3%	3.1¢/lb.+15.3%	2.9¢/lb.+14.4%	2.7¢/lb.+13.4%.
320.72	3.8¢ per lb.+19.39% ad val.	3.8¢/lb.+19.39%	3.8¢/lb.+19.39%	3.6¢/lb.+18.4%	3.4¢/lb.+17.5%	3.2¢/lb.+16.5%	3.1¢/lb.+15.5%	2.9¢/lb.+14.6%	2.7¢/lb.+13.6%.
320.73	3.8¢ per lb.+19.58% ad val.	3.8¢/lb.+19.58%	3.8¢/lb.+19.58%	3.6¢/lb.+18.6%	3.4¢/lb.+17.7%	3.2¢/lb.+16.7%	3.1¢/lb.+15.7%	2.9¢/lb.+14.8%	2.7¢/lb.+13.8%.

320.74	3.8¢ per lb. + 19.77% ad val.	3.8¢/lb. + 19.77%	3.8¢/lb. + 19.77%	3.6¢/lb. + 18.8%	3.4¢/lb. + 17.8%	3.2¢/lb. + 16.8%	3.1¢/lb. + 15.8%	2.9¢/lb. + 14.8%	2.7¢/lb. + 13.8%.
320.75	3.8¢ per lb. + 19.96% ad val.	3.8¢/lb. + 19.96%	3.8¢/lb. + 19.96%	3.6¢/lb. + 19%	3.4¢/lb. + 17.9%	3.2¢/lb. + 16.9%	3.1¢/lb. + 15.9%	2.9¢/lb. + 14.9%	2.7¢/lb. + 13.9%.
320.76	3.8¢ per lb. + 20.15% ad val.	3.8¢/lb. + 20.15%	3.8¢/lb + 20.15%	3.6¢/lb. + 19.1%	3.4¢/lb. + 18.1%	3.2¢/lb. + 17.1%	3.1¢/lb. + 16.1%	2.9¢/lb. + 15.1%	2.7¢/lb. + 14.1%.
320.77	3.8¢ per lb. + 20.34% ad val.	3.8¢/lb. + 20.34%	3.8¢/lb. + 20.34%	3.6¢/lb. + 19.3%	3.4¢/lb. + 18.3%	3.2¢/lb. + 17.3%	3.1¢/lb. + 16.2%	2.9¢/lb. + 15.2%	2.7¢/lb. + 14.2%.
320.78	3.8¢ per lb. + 20.53% ad val.	3.8¢/lb. + 20.53%	3.8¢/lb. + 20.53%	3.6¢/lb. + 19.5%	3.4¢/lb. + 18.5%	3.2¢/lb. + 17.5%	3.1¢/lb. + 16.4%	2.9¢/lb. + 15.4%	2.7¢/lb. + 14.4%.
320.79	3.8¢ per lb. + 20.72% ad val.	3.8¢/lb. + 20.72%	3.8¢/lb. + 20.72%	3.6¢/lb. + 19.7%	3.4¢/lb. + 18.6%	3.2¢/lb. + 17.6%	3.1¢/lb. + 16.6%	2.9¢/lb. + 15.5%	2.7¢/lb. + 14.5%.
320.80	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
320.82	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
320.84	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
320.86	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
320.88	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
320.92	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 3— Continued									
320.94	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
320.96	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
320.98	3.8¢ per lb. + 21% ad val.	3.8¢/lb. + 21%	3.8¢/lb. + 21%	3.6¢/lb. + 20%	3.4¢/lb. + 18.9%	3.2¢/lb. + 17.9%	3.1¢/lb. + 16.8%	2.9¢/lb. + 15.8%	2.7¢/lb. + 14.7%.
321.—	Base rate + 1.9% ad val.	Base rate + 1.9%.	Base rate + 1.9%.	Base rate + 1.8%.	Base rate + 1.7%.	Base rate + 1.5%.	Base rate + 1.4%.	Base rate + 1.3%.	Base rate + 1.2%.
322.—	Base rate + 3.8% ad val.	Base rate + 3.8%.	Base rate + 3.8%.	Base rate + 3.6%.	Base rate + 3.3%.	Base rate + 3.1%.	Base rate + 2.9%.	Base rate + 2.6%.	Base rate + 2.4%.
323.—	Base rate + 1.9% ad val.	Base rate + 1.9%.	Base rate + 1.9%.	Base rate + 1.8%.	Base rate + 1.7%.	Base rate + 1.5%.	Base rate + 1.4%.	Base rate + 1.3%.	Base rate + 1.2%.
324.—	Base rate + 3.8% ad val.	Base rate + 3.8%.	Base rate + 3.8%.	Base rate + 3.6%.	Base rate + 3.3%.	Base rate + 3.1%.	Base rate + 2.9%.	Base rate + 2.6%.	Base rate + 2.4%.
325.—	Base rate + 5.3% ad val.	Base rate + 5.3%.	Base rate + 5.3%.	Base rate + 5%	Base rate + 4.6%.	Base rate + 4.3%.	Base rate + 3.9%.	Base rate + 3.6%.	Base rate + 3.2%.
326.—	Base rate + 1.9% ad val.	Base rate + 1.9%.	Base rate + 1.9%.	Base rate + 1.8%.	Base rate + 1.7%.	Base rate + 1.5%.	Base rate + 1.4%.	Base rate + 1.3%.	Base rate + 1.2%.
327.—	Base rate + 3.8% ad val.	Base rate + 3.8%.	Base rate + 3.8%.	Base rate + 3.6%.	Base rate + 3.3%.	Base rate + 3.1%.	Base rate + 2.9%.	Base rate + 2.6%.	Base rate + 2.4%.
328.—	Base rate + 5.3% ad val.	Base rate + 5.3%.	Base rate + 5.3%.	Base rate + 5%	Base rate + 4.6%.	Base rate + 4.3%.	Base rate + 3.9%.	Base rate + 3.6%.	Base rate + 3.2%.
329.—	Base rate + 3.8% ad val.	Base rate + 3.8%.	Base rate + 3.8%.	Base rate + 3.6%.	Base rate + 3.3%.	Base rate + 3.1%.	Base rate + 2.9%.	Base rate + 2.6%.	Base rate + 2.4%.
330.—	Base rate + 5.7% ad val.	Base rate + 5.7%.	Base rate + 5.7%.	Base rate + 5.3%.	Base rate + 4.9%.	Base rate + 4.6%.	Base rate + 4.2%.	Base rate + 3.8%.	Base rate + 3.4%.
331.—	Base rate + 7.5% ad val.	Base rate + 7.5%.	Base rate + 7.5%.	Base rate + 7%	Base rate + 6.5%.	Base rate + 5.9%.	Base rate + 5.4%.	Base rate + 4.9%.	Base rate + 4.4%.
332.10	15% ad val	15%	15%	14.3%	13.5%	12.8%	12%	11.3%	10.5%.
332.40	15% ad val	15%	15%	14.3%	13.5%	12.8%	12%	11.3%	10.5%.
335.50	0.2¢ per lb. + 2.5% ad val.	0.2¢/lb. + 2.5%	0.2¢/lb. + 2.5%	1%	1%	1%	1%	1%	1%.
335.55 [2]	30¢ per lb. + 45% ad val.	30¢/lb. + 45%	30¢/lb. + 45%	26¢/lb. + 42.8%	23¢/lb. + 40.6%	20¢/lb. + 38.3%	16¢/lb. + 36.1%	13¢/lb. + 33.9%	10¢/lb. + 31.7%.[3]
335.60	12.5¢ per lb. + 11% ad val.	12.5¢/lb. + 11%	12.5¢/lb. + 11%	10¢/lb. + 10.3%	8¢/lb. + 9.7%	6¢/lb. + 9%	4¢/lb. + 8.3%	2¢/lb. + 7.7%	7%.

335.70	3.2% ad val	3.2%	3.2%	3.2%	3.1%	3.1%	3.1%	3%	3%.
335.75	3.2% ad val	3.2%	3.2%	3.2%	3.1%	3.1%	3.1%	3%	3%.
335.85	5% ad val	5%	5%	4.7%	4.3%	4%	3.7%	3.3%	3%.
335.95	5% ad val	5%	5%	4.7%	4.3%	4%	3.7%	3.3%	3%.
336.10	30¢ per lb. + 12.5% ad val.	30¢/lb. + 12.5%	30¢/lb. + 12.5%	28¢/lb. + 12.5%	26¢/lb. + 12.5%	24¢/lb. + 12.5%	22¢/lb. + 12.5%	20¢/lb. + 12.5%	8¢/lb. + 12.5%.
336.15	37.5¢ per lb. + 12.5% ad val.	37.5¢/lb. + 12.5%.	37.5¢/lb. + 12.5%.	32¢/lb. + 12.5%	27¢/lb. + 12.5%	22¢/lb. + 12.5%	18¢/lb. + 12.5%	13¢/lb. + 12.5%	8¢/lb. + 12.5%.
336.20	30¢ per lb. + 12.5% ad val.	30¢/lb. + 12.5%	30¢/lb. + 12.5%	25¢/lb. + 11.6%	20¢/lb. + 10.7%	15¢/lb. + 9.7%	10¢/lb. + 8.8%	5¢/lb. + 7.9%	7%.
336.25	37.5¢ per lb. + 12.5% ad val.	37.5¢/lb. + 12.5%.	37.5¢/lb. + 12.5%.	31¢/lb. + 11.6%	25¢/lb. + 10.7%	19¢/lb. + 9.7%	12¢/lb. + 8.8%	6¢/lb. + 7.9%	7%.
336.30 [3]	30¢ per lb. + 30% ad val.	30¢/lb. + 30%	30¢/lb. + 30%	27¢/lb. + 29.4%	24¢/lb. + 28.8%	21¢/lb. + 28.2%	18¢/lb. + 27.6%	15¢/lb. + 27%	12¢/lb. + 26.4%.[3]
336.35	68¢ per lb	68¢/lb	68¢/lb	63¢/lb	57¢/lb	52¢/lb	47¢/lb	42¢/lb	37¢/lb.
336.40	30¢ per lb. + 19% ad val.	30¢/lb. + 19%	30¢/lb. + 19%	25¢/lb. + 17.3%	20¢/lb. + 15.5%	15¢/lb. + 13.8%	10¢/lb. + 12%	5¢/lb. + 10.3%	8.5%.
336.50 [4]	37.5¢ per lb. + 60% ad val.	37.5¢/lb. + 60%	37.5¢/lb. + 60%	33.5¢/lb. + 58.9%.	30¢/lb. + 57.8%	26¢/lb. + 56.7%	22¢/lb. + 55.6%	18.5¢/lb. + 54.5%.	15¢/lb. + 53.4%.[4]
336.55	$1.135 per lb.	$1.135/lb	$1.135/lb	$1.08/lb	$1.03/lb	97¢/lb	92¢/lb	87¢/lb	82¢/lb.
336.62	37.5¢ per lb. + 38% ad val..	(2)	(5)	35¢/lb. + 38%	32¢/lb. + 38%	30¢/lb. + 38%	27¢/lb. + 38%	24¢/lb. + 38%	22¢/lb. + 38%.
336.64	37.5¢ per lb. + 38% ad val..	(2)	(5)	31¢/lb. + 37.2%	25¢/lb. + 36.3%	19¢/lb. + 35.5%	12¢/lb. + 34.7%	6¢/lb. + 33.8%	33%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 335.55, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—6¢/lb. + 29.5%.
Effective with respect to articles entered on and after January 1, 1989—3¢/lb. + 27.2%.
Effective with respect to articles entered on and after January 1, 1990—25%.

[3] For item 336.30, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—9¢/lb. + 25.8%.
Effective with respect to articles entered on and after January 1, 1989—6¢/lb. + 25.2%.
Effective with respect to articles entered on and after January 1, 1990—3¢/lb. + 24.6%.
Effective with respect to articles entered on and after January 1, 1991—24%.

[4] For item 336.50, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—11¢/lb. + 52.3%.
Effective with respect to articles entered on and after January 1, 1989—7¢/lb. + 51.2%.
Effective with respect to articles entered on and after January 1, 1990—3.5¢/lb. + 50.1%.
Effective with respect to articles entered on and after January 1, 1991—49%.

[5] This item is not established until January 1, 1982.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 3—Continued									
337.10	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
337.20	11% ad val	10.4%	9.8%	9.1%	8.5%	7.9%	7.3%	6.6%	6%.
337.30	13.5% ad val	12.6%	11.6%	10.7%	9.8%	8.8%	7.9%	6.9%	6%.
337.40	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
337.50	17.5% ad val	16.3%	15.1%	13.9%	12.8%	11.6%	10.4%	9.2%	8%.
337.55	18.5% ad val	17.2%	15.9%	14.6%	13.3%	11.9%	10.6%	9.3%	8%.
337.60	15% ad val	12%	9%	6%	6%	6%	6%	6%	6%.
337.70	11.5% ad val	11.5%	11.5%	10.6%	9.7%	8.7%	7.8%	6.9%	6%.
337.80	13.5% ad val	12.7%	11.9%	11.1%	10.3%	9.4%	8.6%	7.8%	7%.
337.90	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.3%	9.2%	8.1%	7%.
338.10	15¢ per lb. + 25% ad val.	15¢/lb. + 25%	15¢/lb. + 25%	12¢/lb. + 24.8%	10¢/lb. + 24.7%	7¢/lb. + 24.5%	5¢/lb. + 24.3%	2¢/lb. + 24.2%	24%.
338.15	15¢ per lb. + 15% ad val.	13¢/lb. + 15%	15¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 15%	7¢/lb. + 15%	5¢/lb. + 15%	2¢/lb. + 15%	15%.
338.25	10.5% ad val	10.2%	10%	9.7%	9.4%	9.1%	8.9%	8.6%	8.3%.
338.27	15% ad val	14.5%	14%	13.5%	13.1%	12.6%	12.1%	11.6%	11.1%.
338.40	13¢ per lb. + 22.5% ad val.	(2)	(2)	13¢/lb. + 22.5%	12.5¢/lb. + 22.5%.	12¢/lb. + 22.5%	12¢/lb. + 22.5%	11.5¢/lb. + 22.5%.	11¢/lb. + 22.5%.
338.50	13¢ per lb. + 22.5% ad val.	(2)	(2)	10¢/lb. + 21.6%	8¢/lb. + 20.7%	6¢/lb. + 19.7%	4¢/lb. + 18.8%	2¢/lb. + 17.9%	17%.
339.05 [3]	30¢ per lb. + 50% ad val.	30¢/lb. + 50%	30¢/lb. + 50%	27¢/lb. + 47.1%	24¢/lb. + 44.2%	21¢/lb. + 41.3%	18¢/lb. + 38.4%	15¢/lb. + 35.5%	12¢/lb. + 32.6% [3].
339.10	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
Schedule 3, Part 4									
345.10	25% ad val	25%	25%	23.2%	21.3%	19.5%	17.7%	15.8%	14%
345.30	37.5¢ per lb. + 20% ad val.	37.5¢/lb. + 20%	37.5¢/lb. + 20%	31¢/lb. + 19.8%	25¢/lb. + 19.7%	18¢/lb. + 19.5%	12¢/lb. + 19.3%	6¢/lb. + 19.2%	19%.
345.35	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
345.50	25¢ per lb. + 20% ad val.	25¢/lb. + 20%	25¢/lb. + 20%	21¢/lb. + 19%	16¢/lb. + 18%	12¢/lb. + 17%	8¢/lb. + 16%	4¢/lb. + 15%	14%.

345.60	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
346.10	38% ad val	38%	38%	35.5%	33%	30.5%	28%	25.5%	23%.
346.15	25% ad val	25%	25%	23.5%	22%	20.5%	19%	17.5%	16%.
346.20	30% ad val	30%	30%	28.3%	26.7%	25%	23.3%	21.7%	20%.
346.22	25¢ per sq. yd	25¢/sq. yd	25¢/sq. yd	24.2¢/sq. yd	23.3¢/sq. yd	22.5¢/sq. yd	21.7¢/sq. yd	20.8¢/sq. yd	20¢/sq. yd.
346.24	22.5% ad val	22.5%	22.5%	22.1%	21.7%	21.3%	20.8%	20.4%	20%.
346.30	17¢ per lb	17¢/lb	17¢/lb	16¢/lb	15.3¢/lb	14.5¢/lb	13.5¢/lb	12.8¢/lb	12¢/lb.
346.32	15% ad val	15%	15%	14.4%	13.7%	13.1%	12.4%	11.8%	11.1%.
346.35	30% ad val	30%	30%	28.5%	27%	25.5%	24%	22.5%	21%.
346.40	17.5% ad val	17.5%	17.5%	16.7%	15.9%	15.1%	14.2%	13.4%	12.6%.
346.45	15% ad val	15%	15%	14.4%	13.7%	13.1%	12.4%	11.8%	11.1%.
346.50	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] This item is not established until January 1, 1982.

[3] For item 339.05, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—9¢/lb. + 29.7%.
Effective with respect to articles entered on and after January 1, 1989—6¢/lb. + 26.8%.
Effective with respect to articles entered on and after January 1, 1990—3¢/lb. + 23.9%.
Effective with respect to articles entered on and after January 1, 1991—21%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 4—Continued									
346.52	33¢ per lb. + 12.5% ad val.	33¢/lb. + 12.5%	33¢/lb. + 12.5%	27¢/lb. + 11.8%	22¢/lb. + 11%	16¢/lb. + 10.3%	11¢/lb. + 9.5%	5.5¢/lb. + 8.8%	8%.
346.56	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
346.60	15¢ per lb. + 25% ad val.	15¢/lb. + 25%	15¢/lb. + 25%	12¢/lb. + 24.1%	10¢/lb. + 23.2%	7¢/lb. + 22.3%	5¢/lb. + 21.3%	2¢/lb. + 20.4%	19.5%.
346.65	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
346.70	19% ad val	19%	19%	16%	13%	10%	8.1%	8.1%	6.1%.
346.80	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
346.82	33¢ per lb. + 12.5% ad val.	33¢/lb. + 12.5%	33¢/lb. + 12.5%	27¢/lb. + 11.6%	22¢/lb. + 10.7%	16¢/lb. + 9.8%	11¢/lb. + 8.8%	5¢/lb. + 7.9%	7%.
346.86	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
346.90	7¢ per lb. + 12.5% ad val.	7¢/lb. + 12.5%	7¢/lb. + 12.5%	5.5¢/lb. + 11.6%	4.5¢/lb. + 10.7%	3.5¢/lb. + 9.8%	2¢/lb. + 8.8%	1¢/lb. + 7.9%	7%.
346.95	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
347.10	20% ad val	20%	20%	18%	16.1%	14.1%	12.1%	10.2%	8.2%.
347.15	20% ad val	20%	20%	18%	16.1%	14.1%	12.1%	10.2%	8.2%.
347.20	7% ad val	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
347.26	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
347.28	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
347.30	14% ad val	14%	14%	11%	8%	5.6%	5.6%	5.6%	5.6%.
347.33	13.3% ad val	13.3%	13.3%	12.8%	12.2%	11.7%	11.1%	10.6%	10%
347.35	7% ad val	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
347.40	37.5¢ per lb. + 10% ad val.	37.5¢/lb. + 10%	37.5¢/lb. + 10%	31¢/lb. + 9.6%	25¢/lb. + 9.2%	19¢/lb. + 8.8%	12¢/lb. + 8.3%	6¢/lb. + 7.9%	7.5%.
347.45	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
347.50	7.5% ad val	7.5%	7.5%	6.8%	6%	5.3%	4.5%	3.8%	3%.
347.55	15¢ per lb. + 11% ad val.	15¢/lb. + 11%	15¢/lb. + 11%	12¢/lb. + 10.8%	10¢/lb. + 10.5%	7¢/lb. + 10.3%	5¢/lb. + 10%	2¢/lb. + 9.8%	9.5%.
347.60	12¢ per lb. + 10% ad val.	12¢/lb. + 10%	12¢/lb. + 10%	10¢/lb. + 9.8%	8¢/lb. + 9.7%	6¢/lb. + 9.5%	4¢/lb. + 9.3%	2¢/lb. + 9.2%	9%.

347.65	12¢ per lb. + 11.25% ad val.	12¢/lb. + 11.25%	12¢/lb. + 11.25%	10¢/lb. + 10.5%	8¢/lb. + 9.8%	6¢/lb. + 9.1%	4¢/lb. + 8.4%	2¢/lb. + 7.7%	7%.
347.66	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
347.69	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
347.70	12¢ per lb. + 9.5% ad val.	12¢/lb. + 9.5%	12¢/lb. + 9.5%	10¢/lb. + 9.1%	8¢/lb. + 8.7%	6¢/lb. + 8.3%	4¢/lb. + 7.8%	2¢/lb. + 7.4%	7%.
347.72	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
347.75	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
348.00	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
348.05	21% ad val	21%	21%	18.9%	16.8%	14.7%	12.6%	10.5%	8.4%.
348.10	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
348.15	20% ad val	20%	20%	18%	16%	14%	12%	10%	8%.
348.25	15% ad val	15%	15%	13.8%	12.7%	11.5%	10.3%	9.2%	8%.
348.30	21% ad val	21%	21%	18.9%	16.8%	14.7%	12.6%	10.5%	8.4%.
350.00	13% ad val	13%	13%	12%	10.9%	9.9%	8.8%	7.8%	6.7%.
351.05[2]	38% ad val	38%	38%	35.1%	32.3%	29.4%	26.5%	23.6%	20.8%.[2]
351.20	20% ad val	20%	20%	19.2%	18.3%	17.5%	16.7%	15.8%	15%.
351.25	9.5% ad val	9.5%	9.5%	8.9%	8.2%	7.6%	7%	6.3%	5.7%.
351.30[3]	36% ad val	36%	36%	33.3%	30.6%	27.9%	25.2%	22.5%	19.8%.[3]
351.40	25% ad val	25%	25%	22.5%	20%	17.5%	15%	12.5%	10%.
351.44	22.5% ad val	22.5%	22.5%	21.8%	21%	20.3%	19.5%	18.8%	18%.
351.46[4]	45% ad val	45%	45%	42%	39%	36%	33%	30%	27%.[4]
351.50	25% ad val	25%	25%	23.5%	22%	20.5%	19%	17.5%	16%.
351.60	20% ad val	20%	20%	18%	16.1%	14.1%	12.1%	10.2%	8.2%.
351.70	25% ad val	25%	25%	23.5%	22%	20.5%	19%	17.5%	16%.
351.80[5]	40% ad val	40%	40%	37%	34%	31%	28%	25%	22%.[5]
351.90	32% ad val	32%	32%	29.3%	26.7%	24%	21.3%	18.7%	16%.
352.10	30% ad val	30%	30%	27%	24%	21%	18%	15%	12%.
352.20	21% ad val	21%	21%	19.5%	18%	16.5%	15%	13.5%	12%.
352.30	30% ad val	30%	30%	27%	24%	21%	18%	15%	12%.
352.40	15% ad val	15%	15%	14.5%	14%	13.5%	13%	12.5%	12%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 351.05, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—17.9%.
Effective with respect to articles entered on and after January 1, 1989—15%.

[3] For item 351.30, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—17%.
Effective with respect to articles entered on and after January 1, 1989—14.4%.

[4] For item 351.46, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—24%.
Effective with respect to articles entered on and after January 1, 1989—21%.
Effective with respect to articles entered on and after January 1, 1990—18%.

[5] For item 351.80, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—19%.
Effective with respect to articles entered on and after January 1, 1989—16%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 4— Continued									
352.50	30% ad val	30%	30%	27%	24%	21%	18%	15%	12%.
353.10	22.5% ad val	22.5%	22.5%	21.4%	20.3%	19.3%	18.2%	17.1%	16%.
353.50	21% ad val., but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	21%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	21%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	18%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	15%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	12%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	9%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	8.4%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	8.4%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.
355.02	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
355.04	20% ad val	20%	20%	18%	16%	14%	12%	10%	8%.
355.15	22.5¢ per lb. + 10% ad val.	22.5¢/lb. + 10%	22.5¢/lb. + 10%	21¢/lb. + 10%	19.5¢/lb. + 10%	18¢/lb. + 10%	16.5¢/lb. + 10%	15¢/lb. + 10%	13.5¢/lb. + 10%.
355.18	16% ad val	16%	16%	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
355.20	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
355.25	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 14.6%	8¢/lb. + 14.2%	6¢/lb. + 13.8%	4¢/lb. + 13.3%	2¢/lb. + 12.9%	12.5%.
355.35	17.5% ad val	17.5%	17.5%	15.9%	14.3%	12.7%	11%	9.4%	7.8%.
355.42	11% ad val	11%	11%	10.2%	9.4%	8.6%	7.8%	7%	6.2%.
355.45 [3]	25¢ per lb. + 32.5% ad val.	25¢/lb. + 32.5%	25¢/lb. + 32.5%	21¢/lb. + 30.6%	18¢/lb. + 28.6%	15¢/lb. + 26.7%	12¢/lb. + 24.8%	9¢/lb. + 22.8%	6¢/lb. + 20.9%.[3]
355.50	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
355.55	5.5% ad val	5.5%	5.5%	5.2%	5%	4.7%	4.4%	4.2%	3.9%.
355.60 [4]	12.5¢ per lb. + 15% ad val.	12.5¢/lb. + 15%	12.5¢/lb. + 15%	10.5¢/lb. + 13.9%	8.5¢/lb. + 12.9%	7¢/lb. + 11.8%	5¢/lb. + 10.7%	3¢/lb. + 9.6%	1.5¢/lb. + 8.6%.[4]
355.65	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
355.70 [5]	37.5¢ per lb. + 32% ad val.	37.5¢/lb. + 32%	37.5¢/lb. + 32%	33¢/lb. + 30.2%	30¢/lb. + 28.4%	26¢/lb. + 26.6%	22¢/lb. + 24.8%	18¢/lb. + 23%	15¢/lb. + 21.2%.[5]
355.78	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
355.81	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
355.82	12.5¢ per lb. + 15% ad val.	12.5¢/lb. + 15%	12.5¢/lb. + 15%	10¢/lb. + 13.9%	8¢/lb. + 12.8%	6¢/lb. + 11.8%	4¢/lb. + 10.7%	2¢/lb. + 9.6%	8.52%.

355.85	8.5% ad val.	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
356.05	13.5% ad val.	13.5%	13.5%	12.2%	10.8%	9.5%	8.1%	6.8%	5.4%.
356.10	5% ad val.	5%	5%	4.8%	4.6%	4.4%	4.1%	3.9%	3.7%.
356.15	12.5% ad val.	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
356.20	7% ad val.	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
356.25	7% ad val.	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
356.30 [6]	37.5¢ per lb. + 32% ad val.	37.5¢/lb. + 32%	37.5¢/lb. + 32%	32¢/lb. + 29.7%	27¢/lb. + 27.4%	21¢/lb. + 25.1%	16¢/lb. + 22.9%	10¢/lb. + 20.6%	5¢/lb. + 18.3%.[6]
356.35	13.5% ad val.	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
356.40	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 13.8%	8¢/lb. + 12.7%	6¢/lb. + 11.5%	4¢/lb. + 10.3%	2¢/lb. + 9.2%	8%
356.45	8.5% ad val.	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
356.70	20% ad val.	20%	20%	18%	16.1%	14.1%	12.1%	10.2%	8.2%.
356.80	5% ad val.	5%	5%	4.8%	4.6%	4.4%	4.1%	3.9%	3.7%.
357.05	22.5% ad val.	22.5%	22.5%	20.3%	18%	15.8%	13.5%	11.3%	9%.
357.10 [7]	37.5¢ per lb. + 9% ad val.	37.5¢/lb. + 9%	37.5¢/lb. + 9%	34.5¢/lb. + 9%	32¢/lb. + 9%	29¢/lb. + 9%	26.5¢/lb. + 9%	23.5¢/lb. + 9%	21¢/lb. + 9%.[7]
357.15	37.5¢ per lb. + 7% ad val.	37.5¢/lb. + 7%	37.5¢/lb. + 7%	31¢/lb. + 7%	25¢/lb. + 7%	19¢/lb. + 7%	12¢/lb. + 7%	6¢/lb. + 7%	7%.
357.20 [8]	37.5¢ per lb. + 30% ad val.	37.5¢/lb. + 30%	37.5¢/lb. + 30%	32¢/lb. + 27.6%	27¢/lb. + 25.1%	21¢/lb. + 22.7%	16¢/lb. + 20.3%	10¢/lb. + 17.9%	5¢/lb. + 15.4%.[8]
357.30	15% ad val.	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
357.35	12¢ per lb. + 11% ad val.	12¢/lb. + 11%	12¢/lb. + 11%	10¢/lb. + 10.3%	8¢/lb. + 9.5%	6¢/lb. + 8.8%	4¢/lb. + 8%	2¢/lb. + 7.3%	6.5%.
357.40	15% ad val.	15%	15%	13.5%	12%	10.5%	9%	7.5%	6%.
357.45	12.5¢ per lb. + 11% ad val.	12.5¢/lb. + 11%	12.5¢/lb. + 11%	10¢/lb. + 10.3%	8¢/lb. + 9.5%	6¢/lb. + 8.8%	4¢/lb. + 8%	2¢/lb. + 7.3%	6.5%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[3] For item 355.45, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—3¢/lb. + 18.9%.
Effective with respect to articles entered on and after January 1, 1989—17%.

[4] For item 355.60, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 7.5%.

[5] For item 355.70, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—11¢/lb. + 19.4%.
Effective with respect to articles entered on and after January 1, 1989—7¢/lb. + 17.6%.
Effective with respect to articles entered on and after January 1, 1990—3¢/lb. + 15.8%.
Effective with respect to articles entered on and after January 1, 1991—14%.

[6] For item 356.30, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 16%.

[7] For item 356.30, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—18¢/lb. + 9%.
Effective with respect to articles entered on and after January 1, 1989—15.5¢/lb. + 9%.
Effective with respect to articles entered on and after January 1, 1990—12.5¢/lb. + 9%.
Effective with respect to articles entered on and after January 1, 1991—10¢/lb. + 9%.

[8] For item 357.20, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 13%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 4— Continued									
357.60	21% ad val., but not less than the rate which would apply to such fabrics without tucks.	21%, but not less than the rate which would apply to such fabrics without tucks.	21%, but not less than the rate which would apply to such fabrics without tucks.	18.9%, but not less than the rate which would apply to such fabrics without tucks.	16.8%, but not less than the rate which would apply to such fabrics without tucks.	14.7%, but not less than the rate which would apply to such fabrics without tucks.	12.6%, but not less than the rate which would apply to such fabrics without tucks.	10.5%, but not less than the rate which would apply to such fabrics without tucks.	8.4%, but not less than the rate which would apply to such fabrics without tucks.
357.70	21% ad val	21%	21%	18.9%	16.8%	14.7%	12.6%	10.5%	8.4%.
357.80	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
357.90	9.7¢ per lb. + 7.5% ad val.	9.7¢/lb. + 7.5%	9.7¢/lb. + 7.5%	8¢/lb. + 7%	6.5¢/lb. + 6.5%	4.5¢/lb. + 6%	3¢/lb. + 5.5%	1.5¢/lb. + 5%	4.5%.
357.95	12.5¢ per lb. + 11% ad val.	12.5¢/lb. + 11%	12.5¢/lb. + 11%	10¢/lb. + 10.3%	8¢/lb. + 9.5%	6¢/lb. + 8.8%	4¢/lb. + 8%	2¢/lb. + 7.3%	6.5%.
358.02	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
358.05	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
358.06	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
358.08	18.7¢ per lb. + 7.5% ad val.	16¢/lb. + 7.3%	14¢/lb. + 7.1%	12¢/lb. + 6.9%	9¢/lb. + 6.8%	7¢/lb. + 6.6%	4¢/lb. + 6.4%	2¢/lb. + 6.2%	6%.
358.09	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
358.11	13.5% ad val	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%	6.4%	5.4%.
358.14	12.5¢ per lb. + 15% ad val.	11¢/lb. + 14.1%	9¢/lb. + 13.3%	7¢/lb. + 12.4%	6¢/lb. + 11.5%	4¢/lb. + 10.6%	3¢/lb. + 9.8%	1¢/lb. + 8.9%	8%.
358.16	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
358.24	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
358.28	14% ad val	14%	14%	12.8%	11.7%	10.5%	9.3%	8.2%	7%.
358.30	37.5¢ per lb. + 7.5% ad val.	37.5¢/lb. + 7.5%	37.5¢/lb. + 7.5%	30¢/lb. + 7.3%	25¢/lb. + 7%	18¢/lb. + 6.8%	12.5¢/lb. + 6.5%	6¢/lb. + 6.3%	6%.
358.35	16% ad val	16%	16%	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
358.40	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
358.50	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 13.8%	8¢/lb. + 12.5%	6¢/lb. + 11.3%	4¢/lb. + 10%	2¢/lb. + 8.8%	7.5%.
358.60	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
359.10	15% ad val	15%	15%	12%	9%	7.2%	7.2%	7.2%	7.2%.
359.20	6.5% ad val	6.5%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%	4.4%.
359.30[2]	37.5¢ per lb. + 32% ad val.	37.5¢/lb. + 32%	37.5¢/lb. + 32%	32.5¢/lb. + 29.9%	28¢/lb. + 27.8%	23¢/lb. + 25.8%	19¢/lb. + 23.5%	14¢/lb. + 21.4%	9¢/lb. + 19.3%.[2]

359.40	13.5% ad val	13.5%	13.5%	10.5%	7.5%	5.4%	5.4%	5.4%	5.4%.
359.50[3]	25¢ per lb. + 30% ad val.	25¢/lb. + 30%	25¢/lb. + 30%	20¢/lb. + 28%	18¢/lb. + 26%	14¢/lb. + 24%	10.5¢/lb. + 22%	7¢/lb. + 20%	3¢/lb. + 18%.[3]
359.60	8.5% ad val	8.5%	8.5%	7.7%	6.8%	6%	5.1%	4.3%	3.4%.
Schedule 3, Part 5									
360.05	5.5% ad val	5.5%	5.5%	3.9%	3.9%	3.9%	3.9%	3.9%	3.9%.
360.10	7.5¢ per sq. ft	7.5¢/sq. ft	7.5¢/sq. ft	6.7¢/sq. ft	6¢/sq. ft	5.2¢/sq. ft	4.5¢/sq. ft	3.7¢/sq. ft	3.2¢/sq. ft.
360.15	11% ad val	8%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%.
360.20	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
360.25	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
360.30	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
360.35	5¢ per sq. ft	5¢/sq. ft	5¢/sq. ft	3.5¢/sq. ft	2¢/sq. ft	2¢/sq. ft	2¢/sq. ft	2¢/sq. ft	2¢/sq. ft.
360.36	7% ad val	7%	7%	6.4%	5.8%	5.3%	4.7%	4.1%	3.5%.
360.40	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
360.46	21% ad val	21%	21%	19.2%	17.3%	15.5%	13.7%	11.8%	10%.
360.48	10.5% ad val	10.5%	10.5%	10.1%	9.7%	9.3%	8.8%	8.4%	8%.
360.65	7.5% ad val	7.5%	7.5%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%.
360.70	15% ad val	15%	15%	12%	9%	7%	7%	7%	7%.
360.76	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
360.77	12.5% ad val	12.5%	12.5%	11.3%	10%	8.8%	7.5%	6.3%	5%.
360.78	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
360.79	12.5% ad val	12.5%	12.5%	11.3%	10%	8.8%	7.5%	6.3%	5%.
360.81	16.5% ad val	16.5%	16.5%	15%	13.5%	12.1%	10.6%	9.1%	7.6%.
360.82	16.5% ad val	16.5%	16.5%	15%	13.5%	12.1%	10.6%	9.1%	7.6%.
360.83	16.5% ad val	16.5%	16.5%	15%	13.5%	12.1%	10.6%	9.1%	7.6%.
360.84	16.5% ad val	16.5%	16.5%	15%	13.5%	12.1%	10.6%	9.1%	7.6%.
361.05	21% ad val	21%	21%	18.9%	16.8%	14.7%	12.6%	10.5%	8.4%.
361.07	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
361.10	30% ad val	30%	30%	27%	24%	21%	18%	15%	12%.
361.16	12% ad val	12%	12%	11.1%	10.2%	9.3%	8.3%	7.4%	6.5%.
361.21	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
361.22	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
361.42	7.5% ad val	7.5%	7.5%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%.
361.44	11% ad val	11%	11%	10%	9%	8%	6.9%	5.9%	4.9%.
361.46	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 359.30, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—5¢/lb. + 17.1%.

Effective with respect to articles entered on and after January 1, 1989—15%.

[3] For item 359.50, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 16%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 5— Continued									
361.46	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
361.50	22.5% ad val	22.5%	22.5%	20.3%	18%	15.8%	13.5%	11.3%	9%.
361.53	7% ad val	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
361.54	17% ad val	17%	17%	14%	11%	8%	7.7%	7.7%	7.7%.
361.56	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
361.60	16% ad val	16%	16%	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
361.65	8.5% ad val	8.5%	8.5%	7.7%	6.8%	6%	5.1%	4.3%	3.4%.
363.01	34% ad val	34%	34%	32.3%	30.6%	28.9%	27.2%	25.5%	23.8%.
363.02	18% ad val	18%	18%	16.2%	14.4%	12.6%	10.8%	9%	7.2%.
363.05[3]	34% ad val	34%	34%	31%	28%	25%	22%	19%	16%.[3]
363.10	30¢ per lb. + 15% ad val.	30¢/lb. + 15%	30¢/lb. + 15%	25¢/lb. + 15%	20¢/lb. + 15%	15¢/lb. + 15%	10¢/lb. + 15%	5¢/lb. + 15%	15%.
363.15	37.5¢ per lb. + 12.5% ad val.	37.5¢/lb. + 12.5%	37.5¢/lb. + 12.5%	35¢/lb. + 12.5%	32¢/lb. + 12.5%	29¢/lb. + 12.5%	26¢/lb. + 12.5%	24¢/lb. + 12.5%	21¢/lb. + 12.5%.
363.20	21% ad val	21%	21%	20%	18.9%	17.9%	16.9%	15.8%	14.8%.
363.25[3]	42.5% ad val	42.5%	42.5%	39.7%	36.8%	34%	31.2%	28.3%	25.5%.[3]
363.30	9.5% ad val	9.5%	9.5%	9.2%	8.9%	8.6%	8.2%	7.9%	7.6%.
363.35	4% ad val	4%	4%	3.9%	3.7%	3.6%	3.4%	3.3%	3.1%.
363.40	6¢ per lb	6¢/lb	6¢/lb	5.7¢/lb	5.3¢/lb	5¢/lb	4.7¢/lb	4.3¢/lb	4¢/lb.
363.45	12.5% ad val	12.5%	12.5%	12%	11.5%	11%	10.5%	10%	9.5%.
363.50	12.5% ad val	12.5%	12.5%	9.5%	6.5%	5%	5%	5%	5%.
363.51	6% ad val	6%	6%	5.8%	5.7%	5.5%	5.3%	5.2%	5%.
363.55	15% ad val	15%	15%	14.4%	13.7%	13.1%	12.4%	11.8%	11.1%.
363.60	15% ad val	15%	15%	14.4%	13.7%	13.1%	12.4%	11.8%	11.1%.
363.65	30¢ per lb. + 15% ad val.	30¢/lb. + 15%	30¢/lb. + 15%	25¢/lb. + 15%	20¢/lb. + 15%	16¢/lb. + 15%	11¢/lb. + 15%	6¢/lb. + 15%	2¢/lb. + 15%.
363.70	37.5¢ per lb. + 12.5% ad val.	37.5¢/lb. + 12.5%	37.5¢/lb. + 12.5%	32¢/lb. + 12.5%	27¢/lb. + 12.5%	23¢/lb. + 12.5%	18¢/lb. + 12.5%	13¢/lb. + 12.5%	8¢/lb. + 12.5%.

363.75	16% ad val	16%	16%	15.3%	14.6%	13.9%	13.1%	12.4%	11.7%.
363.80	13.5% ad val	13.5%	13.5%	12.2%	10.8%	9.5%	8.1%	6.8%	5.4%.
363.85	12.5¢ per lb. + 15% ad val.	12.5¢/lb. + 15%	12.5¢/lb. + 15%	10¢/lb + 14.7%	8¢/lb. + 14.3%	6¢/lb. + 14%	4¢/lb. + 13.7%	2¢/lb. + 13.3%	13%.
363.90	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
364.07	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
364.09	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
364.13	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
364.14	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
364.16	15% ad val	15%	15%	12%	9%	7.2%	7.2%	7.2%	7.2%.
364.18	15% ad val	15%	15%	12%	9%	7.2%	7.2%	7.2%	7.2%.
364.20	37.5¢ per lb. + 9% ad val.	37.5¢/lb. + 9%	37.5¢/lb. + 9%	32¢/lb. + 9%	26¢/lb. + 9%	21¢/lb. + 9%	16¢/lb. + 9%	10¢/lb. + 9%	5¢/lb. + 9%.
364.22	37.5¢ per lb. + 7% ad val.	37.5¢/lb. + 7%	37.5¢/lb. + 7%	31¢/lb. + 6.4%	25¢/lb. + 5.8%	18¢/lb. + 5.3%	12¢/lb. + 4.7%	6¢/lb. + 4.1%	3.5%.
364.25	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
364.30	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 13.8%	8¢/lb. + 12.7%	6¢/lb. + 11.5%	4¢/lb. + 10.3%	2¢/lb. + 9.2%	8%.
364.35	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
365.00[4]	35% ad val	35%	35%	32%	29%	26%	23%	20%	17%.[4]
365.05	15% ad val	15%	15%	14.8%	14.7%	14.5%	14.3%	14.2%	14%.
365.11	20% ad val	20%	20%	19%	18%	17%	16%	15%	14%.
365.14	20% ad val	20%	20%	19%	18%	17%	16%	15%	14%.
365.15	9.5% ad val	9.5%	9.5%	8.9%	8.2%	7.6%	7%	6.3%	5.7%.
365.20	18% ad val	18%	18%	17.7%	17.3%	17%	16.7%	16.3%	16%.
365.25	21% ad val	21%	21%	20.2%	19.3%	18.5%	17.7%	16.8%	16%.
365.29	22.5% ad val	22.5%	22.5%	21.4%	20.3%	19.3%	18.2%	17.1%	16%.
365.31[5]	40% ad val	40%	40%	37%	34%	31%	28%	25%	22%.[5]
365.35	20% ad val	20%	20%	19.3%	18.7%	18%	17.3%	16.7%	16%.
365.40	25% ad val	25%	25%	23.5%	22%	20.5%	19%	17.5%	16%.
365.45	25% ad val	25%	25%	23.5%	22%	20.5%	19%	17.5%	16%.
365.50[6]	40% ad val	40%	40%	37%	34%	31%	28%	25%	22%.[6]

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 363.05, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 13.6%.

[3] For item 363.25, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[4] For item 365.00, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[5] For item 365.31, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—19%.
Effective with respect to articles entered on and after January 1, 1989—16%.

[6] For item 365.50, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—19%.
Effective with respect to articles entered on and after January 1, 1989—16%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 5— Continued									
365.70	22.5% ad val	22.5%	22.5%	20.8%	19.3%	17.7%	16%	14.4%	12.8%.
365.75 [2]	32% ad val	32%	32%	29.3%	26.5%	23.8%	21%	18.3%	15.5%. [2]
365.77	20% ad val	20%	20%	18.8%	17.6%	16.4%	15.2%	14%	12.8%.
365.78 [3]	30% ad val	30%	30%	27.5%	25.1%	22.6%	20.2%	17.7%	15.3%. [3]
365.80	15% ad val	15%	15%	14.6%	14.3%	13.9%	13.5%	13.2%	12.8%.
365.81	20% ad val	20%	20%	18.8%	17.6%	16.4%	15.2%	14%	12.8%.
365.83	20% ad val	20%	20%	18.8%	17.6%	16.4%	15.2%	14%	12.8%
365.84	20% ad val	20%	20%	18.8%	17.6%	16.4%	15.2%	14%	12.8%.
365.86	21% ad val	21%	21%	19.6%	18.3%	16.9%	15.5%	14.2%	12.8%.
365.91	21% ad val	21%	21%	19.6%	18.3%	16.9%	15.5%	14.2%	12.8%
366.03	30% ad val	30%	30%	27.5%	25%	22.5%	20%	17.5%	15%.
366.06 [4]	38% ad val	38%	38%	35.1%	32.3%	29.4%	26.5%	23.6%	20.8%. [4]
366.09	19% ad val	19%	19%	18.3%	17.7%	17%	16.3%	15.7%	15%
366.12	6% ad val	6%	6%	5.4%	4.8%	4.2%	3.6%	3%	2.4%.
366.15	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%
366.18	14% ad val	14%	14%	13.4%	12.8%	12.3%	11.7%	11.1%	10.5%.
366.21	14¢ per lb	14¢/lb	14¢/lb	13.9¢/lb	13.8¢/lb	13.7¢/lb	13.7¢/lb	13.6¢/lb	13.5¢/lb.
366.24	14% ad val	14%	14%	13.4%	12.8%	12.3%	11.7%	11.1%	10.5%.
366.27	15% ad val	15%	15%	14.3%	13.5%	12.8%	12%	11.3%	10.5%.
366.30	20% ad val	20%	20%	18%	16%	14%	12%	10%	8%
366.33	13.5% ad val	13.5%	13.5%	12.6%	11.7%	10.8%	9.8%	8.9%	8%.
366.36	4% ad val	4%	4%	3.9%	3.7%	3.6%	3.4%	3.3%	3.1%.
366.39	6.5% ad val	6.5%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%	4.4%.
366.42	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
366.45	20% ad val	20%	20%	17%	14%	11%	8.2%	8.2%	8.2%.
366.46	9% ad val	9%	9%	6%	5.5%	5.5%	5.5%	5.5%	5.5%.
366.47	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
366.48	5% ad val	5%	5%	4.8%	4.6%	4.4%	4.1%	3.9%	3.7%
366.51	6.5% ad val	6.5%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%	4.4%.
366.54	5% ad val	5%	5%	4.8%	4.6%	4.4%	4.1%	3.9%	3.7%.
366.57	19% ad val	19%	19%	17.1%	15.2%	13.3%	11.4%	9.5%	7.6%.
366.60	30% ad val	30%	30%	27%	24%	21%	18%	15%	12%.
366.63 [5]	38% ad val	38%	38%	35.2%	32.3%	29.5%	26.6%	23.8%	20.9%. [5]
366.65	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.

366.69	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%
366.72	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
366.75	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
366.77	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
366.79	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
366.81	5% ad val	5%	5%	4.8%	4.6%	4.4%	4.1%	3.9%	3.7%.
366.84	6.5% ad val	6.5%	6.5%	3.5%	2.5%	2.5%	2.5%	2.5%	2.5%.
367.05	37.5¢ per lb. + 15% ad val.	37.5¢/lb. + 15%	37.5¢/lb. + 15%	31¢/lb. + 14%	25¢/lb. + 13%	18¢/lb. + 12%	12¢/lb. + 11%	6¢/lb. + 10%	9%.
367.10	37.5¢ per lb. + 10% ad val.	37.5¢/lb. + 10%	37.5¢/lb. + 10%	31¢/lb. + 9.8%	25¢/lb. + 9.7%	18¢/lb. + 9.5%	12¢/lb. + 9.3%	6¢/lb. + 9.2%	9%.
367.15	33¢ per lb. + 10% ad val.	33¢/lb. + 10%	33¢/lb. + 10%	27¢/lb. + 9.7%	22¢/lb. + 9.3%	16¢/lb. + 9%	11¢/lb. + 8.7%	5¢/lb. + 8.3%	8%.
367.20	22.5¢ per lb. + 10% ad val.	22.5¢/lb. + 10%	22.5¢/lb. + 10%	19¢/lb. + 10%	15.5¢/lb. + 10%	12¢/lb. + 10%	8.5¢/lb. + 10%	5¢/lb. + 10%	2¢/lb. + 10%.
367.25	30¢ per lb. + 10% ad val.	30¢/lb. + 10%	30¢/lb. + 10%	25¢/lb. + 9.6%	20¢/lb. + 9.2%	15¢/lb. + 8.6%	10¢/lb. + 8.3%	5¢/lb. + 7.9%	7.5%.
367.30	16% ad val	16%	16%	13%	10%	7.5%	7.5%	7.5%	7.5%.
367.35	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
367.40	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
367.45	13.5% ad val	13.5%	13.5%	10.5%	7.5%	5.4%	5.4%	5.4%	5.4%.
367.50	12.5¢ per lb. + 16% ad val.	12.5¢/lb. + 16%	12.5¢/lb. + 16%	10¢/lb. + 14.7%	8¢/lb. + 13.3%	6¢/lb. + 12%	4¢/lb. + 10.7%	2¢/lb. + 9.3%	8%.
367.55	7¢ per lb. + 12.5% ad val.	7¢/lb. + 12.5%	7¢/lb. + 12.5%	5¢/lb. + 11.6%	4¢/lb. + 10.7%	3¢/lb. + 9.8%	2¢/lb. + 8.8%	1¢/lb. + 7.9%	7%.
367.59	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
367.60	25¢ per lb. + 17% ad val.	25¢/lb. + 17%	25¢/lb. + 17%	20¢/lb. + 15.6%	16¢/lb. + 14.2%	12¢/lb. + 12.8%	8¢/lb. + 11.3%	4¢/lb. + 9.9%	8.5%.
367.05	8.5% ad val	8.5%	8.5%	7.7%	6.8%	6%	5.1%	4.3%	3.4%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 365.75, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12.8%.

[3] For item 365.78, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12.8%.

[4] For item 366.06, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—17.9%.
Effective with respect to articles entered on and after January 1, 1989—15%.

[5] For item 366.63, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—18.1%.
Effective with respect to articles entered on and after January 1, 1989—15.2%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 6									
370.04	1¢ each + 10% ad val.	1¢ each + 10%	1¢ each + 10%	0.7¢ each + 10%	0.4¢ each + 10%	0.1¢ each + 10%	8.5%	7.5%	7.5%.
370.08	0.5¢ each + 7.5% ad val.	0.5¢ each + 7.5%	0.5¢ each + 7.5%	0.4¢ each + 7.5%	0.3¢ each + 7.5%	0.2¢ each + 7.5%	0.1¢ each + 7.5%	7.5%	7.5%.
370.12	0.5¢ each + 7.5% ad val.	0.5¢ each + 7.5%	0.5¢ each + 7.5%	0.4¢ each + 7.5%	0.3¢ each + 7.5%	0.2¢ each + 7.5%	0.1¢ each + 7.5%	7.5%	7.5%.
370.16[2]	4¢ each + 40% ad val.	4¢ each + 40%	4¢ each + 40%	3.6¢ each + 38.2%	3.2¢ each + 36.3%	2.8¢ each + 34.5%	2.4¢ each + 32.6%	2¢ each + 30.8%	1.6¢ each + 28.9%.[2]
370.17	2¢ each + 20% ad val.	2¢ each + 20%	2¢ each + 20%	1.5¢ each + 19.9%	1.3¢ each + 19.8%	1¢ each + 19.8%	0.5¢ each + 19.7%	0.3¢ each + 19.6%	19.5%.
370.19	1¢ each + 10% ad val.	1¢ each + 10%	1¢ each + 10%	0.8¢ each + 9.1%	0.6¢ each + 8.2%	0.5¢ each + 7.3%	0.3¢ each + 6.3%	0.1¢ each + 5.4%	4.5%.
370.21	1¢ each + 10% ad val.	1¢ each + 10%	1¢ each + 10%	0.8¢ each + 9.1%	0.6¢ each + 8.2%	0.5¢ each + 7.3%	0.3¢ each + 6.3%	0.1¢ each + 5.4%	4.5%.
370.22	1¢ each + 10% ad val.	1¢ each + 10%	1¢ each + 10%	0.8¢ each + 9.1%	0.6¢ each + 8.2%	0.5¢ each + 7.3%	0.3¢ each + 6.3%	0.1¢ each + 5.4%	4.5%.
370.24	17.5% ad val.	17.5%	17.5%	15.9%	14.3%	12.8%	11.2%	9.6%	8%.
370.28	3¢ per lb. + 20% ad val.	3¢/lb. + 20%	3¢/lb. + 20%	2¢/lb. + 18%	2¢/lb. + 16%	1¢/lb. + 14%	1¢/lb. + 12%	10%	8%.
370.32	3¢ per lb. + 20% ad val.	3¢/lb. + 20%	3¢/lb. + 20%	2¢/lb. + 18%	2¢/lb. + 16%	1¢/lb. + 14%	1¢/lb. + 12%	10%	8%.
370.36	17.5% ad val.	17.5%	17.5%	15.9%	14.3%	12.8%	11.2%	9.6%	8%.
370.40	3¢ per lb. + 20% ad val.	3¢/lb. + 20%	3¢/lb. + 20%	2¢/lb. + 18%	2¢/lb. + 16%	1¢/lb. + 14%	1¢/lb. + 12%	10%	8%.
370.44	3¢ per lb. + 20% ad val.	3¢/lb. + 20%	3¢/lb. + 20%	2¢/lb. + 18%	2¢/lb. + 16%	1¢/lb. + 14%	1¢/lb. + 12%	10%	8%.
370.48	25% ad val.	25%	25%	23.2%	21.3%	19.5%	17.7%	15.8%	14%.

370.52 [3]	5¢ per lb. + 35% ad val.	5¢/lb. + 35%	5¢/lb. + 35%	4¢/lb. + 32%	4¢/lb. + 29%	3¢/lb. + 26%	2¢/lb. + 23%	1¢/lb. + 20%	1¢/lb. + 17%.[3]
370.56 [4]	5¢ per lb. + 35% ad val.	5¢/lb. + 35%	5¢/lb. + 35%	4¢/lb. + 32.4%	3¢/lb. + 29.8%	3¢/lb. + 27.1%	2¢/lb. + 24.5%	2¢/lb. + 21.9%	1¢/lb. + 19.3%.[4]
370.60	25% ad val	25%	25%	23.2%	21.3%	19.5%	17.7%	15.8%	14%.
370.64 [5]	5¢ per lb. + 35% ad val.	5¢/lb. + 35%	5¢/lb. + 35%	4¢/lb. + 32%	4¢/lb. + 29%	3¢/lb. + 26%	2¢/lb. + 23%	1¢/lb. + 20%	1¢/lb. + 17%.[5]
370.68 [6]	5¢ per lb. + 35% ad val.	5¢/lb. + 35%	5¢/lb. + 35%	4¢/lb. + 32%	4¢/lb. + 29%	3¢/lb. + 26%	2¢/lb. + 23%	1¢/lb. + 20%	1¢/lb. + 17%.[6]
370.72	3% ad val	3%	3%	2.9%	2.8%	2.8%	2.7%	2.6%	2.5%.
370.76	1¢ each + 24% ad val.	1¢ each + 24%	1¢ each + 24%	0.8¢ each + 21.7%.	0.6¢ each + 19.3%.	0.5¢ each + 17%	0.3¢ each + 14.7%.	0.1¢ each + 12.3%.	10%
370.80	9% ad val	9%	9%	8.4%	7.8%	7.3%	6.7%	6.1%	5.5%.
370.84	16% ad val	16%	16%	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
370.88	25¢ per lb. + 16% ad val.	25¢/lb. + 16%	25¢/lb. + 16%	21¢/lb. + 16%	16¢/lb. + 16%	12¢/lb. + 16%	8¢/lb. + 16%	4¢/lb. + 16%	16%
370.92	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
372.04	20% ad val	20%	20%	18.7%	17.3%	16%	14.7%	13.3%	12%.
372.06	26% ad val	26%	26%	23.7%	21.3%	19%	16.7%	14%	12%.
372.08	13% ad val	13%	13%	12.8%	12.7%	12.5%	12.3%	12.2%	12%.
372.10	30% ad val	30%	30%	27%	24%	21%	18%	15%	12%.
372.15	17% ad val	17%	17%	16.2%	15.3%	14.5%	13.7%	12.8%	12%.
372.20	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
372.25	37.5¢ per lb. + 32% ad val.	37.5¢/lb. + 32%	37.5¢/lb. + 32%	31¢/lb. + 29.3%	25¢/lb. + 26.7%	19¢/lb. + 24%	12¢/lb. + 21.3%	6¢/lb. + 18.7%	16%
372.30 [7]	37.5¢ per lb. + 30% ad val.	37.5¢/lb. + 30%	37.5¢/lb. + 30%	32¢/lb. + 28%	26¢/lb. + 26%	21¢/lb. + 24%	16¢/lb. + 22%	10¢/lb. + 20%	5¢/lb. + 18%.[7]
372.35	37.5¢ per lb. + 20% ad val.	37.5¢/lb. + 20%	37.5¢/lb. + 20%	31¢/lb. + 18.2%	25¢/lb. + 16.3%	19¢/lb. + 14.5%	12¢/lb. + 12.7%	6¢/lb. + 10.8%	9%.
372.40	25¢ per lb. + 21% ad val.	25¢/lb. + 21%	25¢/lb. + 21%	20¢/lb. + 20.2%	16¢/lb. – 19.3%	12¢/lb. + 18.5%	8¢/lb. + 17.7%	4¢/lb. + 16.8%	16%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 370.16, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—1.2¢ each + 27.1%.
Effective with respect to articles entered on and after January 1, 1989—0.8¢ each + 25.2%.
Effective with respect to articles entered on and after January 1, 1990—0.4¢ each + 23.4%.
Effective with respect to articles entered on and after January 1, 1991—21.5%.

[3] For item 370.52, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[4] For item 370.56, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—16.6%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[5] For item 370.64, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[6] For item 370.68, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[7] For item 372.30, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 16%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 6—Continued									
372.45	37.5¢ per lb. + 21% ad val.	37.5¢/lb. + 21%	37.5¢/lb. + 21%	31¢/lb. + 20.2%	25¢/lb. + 19.3%	19¢/lb. + 18.5%	12¢/lb. + 17.7%	6¢/lb. + 16.8%	16%
372.50	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
372.55	20% ad val	20%	20%	18%	16%	14%	12%	10%	8%.
372.60	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
372.65	16% ad val	16%	16%	14.7%	13.3%	12%	10.7%	9.3%	8%.
372.70[2]	25¢ per lb. + 32.5% ad val.	25¢/lb. + 32.5%	25¢/lb. + 32.5%	21¢/lb. + 30%	18¢/lb. + 27.5%	14¢/lb. + 25%	11¢/lb. + 22.5%	7¢/lb. + 20%	3¢/lb. + 17.5%.[2]
372.75	25¢ per lb. + 14% ad val.	25¢/lb. + 14%	25¢/lb. + 14%	21¢/lb. + 13.3%	16¢/lb. + 12.7%	12¢/lb. + 12%	8¢/lb. + 11.3%	4¢/lb. + 10.7%	10%.
372.80	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
373.05	21% ad val	21%	21%	20%	19%	18%	16.9%	15.9%	14.9%.
373.10	16.5% ad val	16.5%	16.5%	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
373.15	37.5¢ per lb. + 10.5% ad val.	37.5¢/lb. + 10.5%.	37.5¢/lb. + 10.5%.	31¢/lb. + 10.1%	25¢/lb. + 9.7%	19¢/lb. + 9.3%	12¢/lb. + 8.8%	6¢/lb. + 8.4%	8%.
373.20	10% ad val	10%	10%	9.7%	9.3%	9%	8.7%	8.3%	8%.
373.22	16% ad val	16%	16%	14.7%	13.3%	12%	10.7%	9.3%	8%.
373.25	12¢ per lb. + 16% ad val.	12¢/lb. + 16%	12¢/lb. + 16%	10¢/lb. + 14.7%	8¢/lb. + 13.3%	6¢/lb. + 12%	4¢/lb. + 10.7%	2¢/lb. + 9.3%	8%.
373.30	10% ad val	10%	10%	9.7%	9.3%	9%	8.7%	8.3%	8%.
374.05	30% ad val	30%	30%	28.3%	26.7%	25%	23.3%	21.7%	20%.
374.10	21.5% ad val	21.5%	21.5%	21.3%	21%	20.8%	20.5%	20.3%	20%.
374.15	30% ad val	30%	30%	28.3%	26.7%	25%	23.3%	21.7%	20%.
374.20[3]	50% ad val	50%	50%	47%	44%	41%	38%	35%	32%.[3]
374.25	34% ad val	34%	34%	31.7%	29.3%	27%	24.7%	22.3%	20%.
374.30[4]	42.5% ad val	42.5%	42.5%	39.7%	36.9%	34.1%	31.3%	28.4%	25.6%.[4]
374.35	21% ad val	21%	21%	20.8%	20.7%	20.5%	20.3%	20.2%	20%.
374.40[5]	36% ad val	36%	36%	33.3%	30.6%	27.9%	25.2%	22.5%	19.8%.[5]
374.45	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
374.50	37.5¢ per lb. + 12% ad val.	37.5¢/lb. + 12%	37.5¢/lb. + 12%	31¢/lb. + 12%	25¢/lb. + 12%	19¢/lb + 12%	12¢/lb. + 12%	6¢/lb. + 12%	12%.
374.55	12% ad val	12%	12%	11.1%	10.2%	9.3%	8.3%	7.4%	6.5%.
374.60[6]	25¢ per lb. + 35% ad val.	25¢/lb. + 35%	25¢/lb. + 35%	21¢/lb. + 32.6%	19¢/lb. + 30.1%	15¢/lb. + 27.7%	12¢/lb. + 25.3%	9¢/lb. + 22.8%	6¢/lb. + 20.4%.[6]
374.65	10% ad val	10%	10%	7%	4%	4%	4%	4%	4%.
376.04	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
376.08	37.5¢ per lb. +	37.5¢/lb. + 10%	37.5¢/lb. + 10%	31¢/lb. + 9.9%	25¢/lb. + 9.8%	18¢/lb. + 9.8%	12¢/lb. + 9.7%	6¢/lb. + 9.6%	9.5%.

376.12	7% ad val	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
376.16	12¢ per lb. + 9.5% ad val.	12¢/lb. + 9.5%	12¢/lb. + 9.5%	10¢/lb. + 9.1%	8¢/lb. + 8.7%	6¢/lb. + 8.3%	4¢/lb. + 7.8%	2¢/lb. + 7.4%	7%.
376.20	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
376.54	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
376.56	16.5% ad val	16.5%	16.5%	15%	13.5%	12.1%	10.6%	9.1%	7.6%.
378.05 [7]	42.5% ad val	42.5%	42.5%	39.7%	36.8%	34%	31.2%	28.3%	25.5%.[7]
378.10	25% ad val	25%	25%	22.5%	20%	17.5%	15%	12.5%	10%.
378.15	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
378.20	16.5% ad val	16.5%	16.5%	14.8%	13.2%	11.5%	9.8%	8.2%	6.5%.
378.25	8% ad val	8%	8%	7.8%	7.5%	7.3%	7%	6.8%	6.5%.
378.30	7.5% ad val	7.5%	7.5%	7.3%	7.2%	7%	6.8%	6.7%	6.5%.
378.35	37.5¢ per lb. + 6.5% ad val.	37.5¢/lb. + 6.5%	37.5¢/lb. + 6.5%	31¢/lb. + 6.4%	25¢/lb. + 6.3%	18¢/lb. + 6.3%	12¢/lb. + 6.2%	6¢/lb. + 6.1%	6%.
378.40	25¢ per lb. + 10.5% ad val.	25¢/lb. + 10.5%	25¢/lb. + 10.5%	20¢lb. + 10.1%	16¢/lb. + 9.7%	12¢/lb. + 9.3%	8¢/lb. + 8.8%	4¢/lb. + 8.4%	8%.
378.45	37.5¢ per lb. + 10.5% ad val.	37.5¢/lb + 10.5%	37.5¢/lb. + 10.5%	31¢/lb. + 9.8%	25¢/lb. + 9.2%	19¢/lb. + 8.5%	12¢/lb. + 7.8%	6¢/lb. + 7.2%	6.5%.
378.50	12% ad val	12%	12%	11.1%	10.2%	9.3%	8.3%	7.4%	6.5%.
378.55	16% ad val	16%	16%	14.4%	12.8%	11.3%	9.7%	8.1%	6.5%.
378.60 [8]	25¢ per lb. + 35% ad val.	25¢/lb. + 35%	25¢/lb. + 35%	21¢/lb. + 32.6%	19¢/lb. + 30.1%	15¢/lb. + 27.7%	12¢/lb. + 25.3%	9¢/lb. + 22.8%	6¢/lb. + 20.4%.[8]
378.65	12.5¢ per lb. + 13.5% ad val.	12.5¢/lb. + 13.5%.	12.5¢/lb. + 13.5%.	10¢/lb. + 12.5%	8¢/lb. + 11.5%	6¢/lb. + 10.5%	4¢/lb. + 9.5%	2¢/lb. + 8.5%	7.5%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 372.70, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 15%.

[3] For item 374.20, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—29%.
Effective with respect to articles entered on and after January 1, 1989—26%.
Effective with respect to articles entered on and after January 1, 1990—23%.
Effective with respect to articles entered on and after January 1, 1991—20%.

[4] For item 374.30, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—22.8%.
Effective with respect to articles entered on and after January 1, 1989—20%.

[5] For item 374.40, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—17%.
Effective with respect to articles entered on and after January 1, 1989—14.4%.

[6] For item 374.60, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—3¢/lb. + 17.9%.
Effective with respect to articles entered on and after January 1, 1989—15.5%.

[7] For item 378.05, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[8] For item 378.60, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—3¢/lb + 17.9%.
Effective with respect to articles entered on and after January 1, 1989—15.5%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 6— Continued									
378.70	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
379.00 [2]	35% ad val	(13)	(13)	32%	29%	26%	23%	20%	17%.[2]
379.02	35% ad val	(13)	(13)	32.7%	30.3%	28%	25.7%	23.3%	21%.
379.04 [3]	35% ad val	(13)	(13)	32%	29%	26%	23%	20%	17%.[3]
379.06	35% ad val	(13)	(13)	32.7%	30.3%	28%	25.7%	23%	21%.
379.08 [4]	35% ad val	(13)	(13)	32%	29%	26%	23%	20%	17%.[4]
379.11 [5]	42.5% ad val	(13)	(13)	39.7%	36.8%	34%	31.2%	28.3%	25.5%.[5]
379.13 [6]	42.5% ad val	(13)	(13)	39.7%	36.9%	34.1%	31.4%	28.6%	25.8%.[6]
379.15 [7]	42.5% ad val	(13)	(13)	39.7%	36.8%	34%	31.2%	28.3%	25.5%.[7]
379.17 [8]	42.5% ad val	(13)	(13)	39.7%	36.9%	34.1%	31.4%	28.6%	25.8%
379.20 [9]	42.5% ad val	(13)	(13)	39.7%	36.8%	34%	31.2%	28.3%	25.5%.[9]
379.23	42.5% ad val	(13)	(13)	40.4%	38.3%	36.3%	34.2%	32.1%	30%.
379.26	42.5% ad val	(13)	(13)	41.3%	40%	38.8%	37.5%	36.3%	35%.
379.28 [10]	42.5% ad val	(13)	(13)	39.7%	36.8%	34%	31.2%	28.3%	25.5%.[10]
379.31	42.5% ad val	(13)	(13)	40.4%	38.3%	36.3%	34.2%	32.1%	30%.
379.33 [11]	42.5% ad val	(13)	(13)	39.7%	36.8%	34%	31.2%	28.3%	25.5%.[11]
379.35	21% ad val	(13)	(13)	18%	15%	12%	9%	6%	6%.
379.37	21% ad val	(13)	(13)	18.9%	16.8%	14.8%	12.7%	10.6%	8.5%.
379.39	21% ad val	(13)	(13)	20.3%	19.5%	18.8%	18%	17.3%	16.5%.
379.41	21% ad val	(13)	(13)	18.8%	16.7%	14.5%	12.3%	10.2%	8%.
379.43	16.5% ad val	(13)	(13)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
379.45	8% ad val	(13)	(13)	7.5%	7%	6.5%	6%	5.5%	5%.
379.48	16.5% ad val	(13)	(13)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
379.51	16.5% ad val	(13)	(13)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
379.54	21% ad val	(13)	(13)	18.9%	16.8%	14.7%	12.6%	10.5%	8.4%.
379.56	7% ad val	(13)	(13)	6.6%	6.2%	5.8%	5.3%	4.9%	4.5%.
379.57	16.5% ad val	(13)	(13)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
379.60	16.5% ad val	(13)	(13)	15%	13.5%	12%	10.5%	9%	7.5%.
379.63	16.5% ad val	(13)	(13)	14.8%	13.2%	11.5%	9.8%	8.2%	6.5%.
379.64	16.5% ad val	(13)	(13)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
379.66	12.5% ad val	(13)	(13)	9.5%	6.5%	5%	5%	5%	5%.
379.68	2.5% ad val	(13)	(13)	2.4%	2.3%	2.3%	2.2%	2.1%	2%.
379.69	7.5% ad val	(13)	(13)	6.8%	6%	5.3%	4.5%	3.8%	3%.
379.71	37.5¢ per lb. + 30% ad val.	(13)	(13)	31¢/lb. + 28.8%	25¢/lb. + 27.7%	18¢/lb. + 26.5%	12¢/lb. + 25.3%	6¢/lb. + 24.2%	23%.

379.72 [12]	37.5¢ per lb. + 30% ad val.	(13)	(13)	32¢/lb. + 28.4%	28¢/lb. + 26.8%	23¢/lb. + 25.1%	18¢/lb. + 23.5%	14¢/lb. + 21.9%	9¢/lb. + 20.3%.[12]
379.74	37.5¢ per lb. + 15.5% ad val.	(13)	(13)	31¢/lb. + 14.2%	25¢/lb. + 12.8%	19¢/lb. + 11.5%	12¢/lb. + 10.2%	6¢/lb. + 8.8%	7.5%.
379.75	37.5¢ per lb. + 20% ad val.	(13)	(13)	37.1¢/lb. + 20%	36.7¢/lb. + 20%	36.3¢/lb. + 20%	35.8¢/lb. + 20%	35.4¢/lb. + 20%	35¢/lb. + 20%.
379.76	37.5¢ per lb. + 20% ad val.	(13)	(13)	31¢/lb. + 19.5%	25¢/lb. + 19%	19¢/lb. + 18.5%	12¢/lb. + 18%	6¢/lb. + 17.5%	17%.
379.78	25¢ per lb. + 21% ad val.	(13)	(13)	21¢/lb. + 21%	18¢/lb. + 21%	14¢/lb. + 21%	11¢/lb. + 21%	7¢/lb. + 21%	4¢/lb. + 21%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 379.00, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[3] For item 379.04, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[4] For item 379.06, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[5] For item 379.11, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[6] For item 379.13, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

[7] For item 379.15, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[8] For item 379.17, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

[9] For item 379.20, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[10] For item 379.28, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[11] For item 379.33, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[12] For item 379.72, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—4¢/lb. + 18.6%.
Effective with respect to articles entered on and after January 1, 1989—17%.

[13] This item is not established until January 1, 1982.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 6—Continued									
379.79	25¢ per lb. + 21% ad val.	(14)	(14)	21¢/lb. + 20.3%	17¢/lb. + 19.7%	13¢/lb. + 19%	8¢/lb. + 18.3%	4¢/lb. + 17.7%	17%.
379.81	37.5¢ per lb. + 21% ad val.	(14)	(14)	31¢/lb. + 19.1%	25¢/lb. + 17.2%	19¢/lb. + 15.3%	12¢/lb. + 13.3%	6¢/lb. + 11.4%	9.5%.
379.83	37.5¢ per lb. + 21%.	(14)	(14)	35¢/lb. + 21%	33¢/lb. + 21%	31¢/lb. + 21%	28¢/lb. + 21%	26¢/lb. + 21%	24¢/lb. + 21%.
379.84	37.5¢ per lb. + 21% ad val.	(14)	(14)	31¢/lb. + 20.3%	25¢/lb. + 19.7%	19¢/lb. + 19%	12¢/lb. + 18.3%	6¢/lb. + 17.7%	17%.
379.86	10% ad val	(14)	(14)	9.3%	8.7%	8%	7.3%	6.7%	6%.
379.87	16% ad val	(14)	(14)	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
379.89	25¢ per lb. + 32.5% ad val.	(14)	(14)	20¢/lb. + 32.1%	16¢/lb. + 31.7%	12¢/lb. + 31.3%	8¢/lb. + 30.8%	4¢/lb. + 30.4%	30%.
379.90	25¢ per lb. + 32.5% ad val.	(14)	(14)	23¢/lb. + 32.5%	21¢/lb. + 32.5%	19¢/lb. + 32.5%	17¢/lb. + 32.5%	15¢/lb. + 32.5%	13¢/lb. + 32.5%.
379.91	25¢ per lb. + 32.5% ad val.	(14)	(14)	20¢/lb. + 31.3%	16¢/lb. + 30%	12¢/lb. + 28.8%	8¢/lb. + 27.5%	4¢/lb. + 26.3%	25%.
379.92 [2]	25¢ per lb. + 32.5% ad val.	(14)	(14)	21¢/lb. + 30.3%	17¢/lb. + 28.1%	14¢/lb. + 25.9%	10¢/lb. + 23.6%	7¢/lb. + 21.4%	3¢/lb. + 19.2%.[2]
379.94 [3]	25¢ per lb. + 27.5% ad val.	(14)	(14)	21¢/lb. + 25.4%	17¢/lb. + 23.4%	14¢/lb. + 21.3%	10¢/lb. + 19.2%	7¢/lb. + 17.1%	3¢/lb. + 15.1%.[3]
379.95	25¢ per lb. + 27.5% ad val.	(14)	(14)	23¢/lb. + 27.5%	21¢/lb. + 27.5%	19¢/lb. + 27.5%	17¢/lb. + 27.5%	15¢/lb. + 27.5%	14¢/lb. + 27.5%.
379.96	25¢ per lb. + 27.5% ad val.	(14)	(14)	20¢/lb. + 25.8%	16¢/lb. + 24%	12¢/lb. + 22.3%	8¢/lb. + 20.5%	4¢/lb. + 18.8%	17%.
379.98	10% ad val	(14)	(14)	9%	8%	7%	6%	5%	4%.
383.00 [4]	35% ad val	(14)	(14)	32%	29%	26%	23%	20%	17%.[4]
383.02	35% ad val	(14)	(14)	32.7%	30.3%	28%	25.7%	23.3%	21%.
383.03 [5]	35% ad val	(14)	(14)	32%	29%	26%	23%	20%	17%.[5]

383.05	35% ad val	[14]	[14]	31.9%	28.8%	25.6%	22.7%	19.6%	16.5%.
383.06	35% ad val	[14]	[14]	32.7%	30.3%	28%	25.7%	23.3%	21%.
383.08 [6]	35% ad val	[14]	[14]	32%	29%	26%	23%	20%	17%. [6]
383.10 [7]	42.5% ad val	[14]	[14]	39.7%	36.8%	34%	31.2%	28.3%	25.5%. [7]
383.12 [8]	42.5% ad val	[14]	[14]	39.7%	36.9%	34.1%	31.4%	28.6%	25.8%. [8]
383.13 [9]	42.5% ad val	[14]	[14]	39.7%	36.8%	34%	31.2%	28.3%	25.5%. [9]
383.15 [10]	42.5% ad val	[14]	[14]	39.7%	36.9%	34.1%	31.4%	28.6%	25.8%. [10]
383.16 [11]	42.5% ad val	[14]	[14]	39.7%	36.8%	34%	31.2%	28.3%	25.5%. [11]
383.18	42.5% ad val	[14]	[14]	41.3%	40%	38.8%	37.5%	36.3%	35%.
383.19	42.5% ad val	[14]	[14]	40.4%	38.3%	36.3%	34.2%	32.1%	30%.
383.20 [12]	42.5% ad val	[14]	[14]	39.7%	36.8%	34%	31.2%	28.3%	25.5%. [12]
383.22	42.5% ad val	[14]	[14]	40.4%	38.3%	36.3%	34.2%	32.1%	30%.
383.23 [13]	42.5% ad val	[14]	[14]	39.7%	36.8%	34%	31.2%	28.3%	25.5%. [13]
383.25	21% ad val	[14]	[14]	18.8%	16.7%	14.5%	12.3%	10.2%	8%.
383.28	21% ad val	[14]	[14]	20.3%	19.5%	18.8%	18%	17.3%	16.5%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 379.92, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

[3] For item 379.94, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 13%.

[4] For item 383.00, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[5] For item 383.03, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[6] For item 383.08, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

[7] For item 383.10, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[8] For item 383.12, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

[9] For item 383.13, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[10] For item 383.15, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

[11] For item 383.16, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[12] For item 383.20, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[13] For item 383.23, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—22.7%.
Effective with respect to articles entered on and after January 1, 1989—19.8%.
Effective with respect to articles entered on and after January 1, 1990—17%.

[14] This item is not established until January 1, 1982.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 6— Continued									
383.29	21% ad val	(7)	(7)	19.5%	18%	16.5%	15%	13.5%	12%.
383.30	21% ad val	(7)	(7)	18.8%	16.7%	14.5%	12.3%	10.2%	8%.
383.32	16.5% ad val	(7)	(7)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
383.33	8% ad val	(7)	(7)	7.5%	7%	6.5%	6%	5.5%	5%.
383.36	16.5% ad val	(7)	(7)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
383.39	16.5% ad val	(7)	(7)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
383.42	16.5% ad val	(7)	(7)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
383.45	16.5% ad val	(7)	(7)	15%	13.5%	12%	10.5%	9%	7.5%.
383.48	16.5% ad val	(7)	(7)	15.8%	15%	14.3%	13.5%	12.8%	12%.
383.49	16.5% ad val	(7)	(7)	14.8%	13.2%	11.5%	9.8%	8.2%	6.5%.
383.50	16.5% ad val	(7)	(7)	15.1%	13.7%	12.3%	10.8%	9.4%	8%.
383.52	12.5% ad val	(7)	(7)	11.3%	10%	8.8%	7.5%	6.3%	5%.
383.53	7.5% ad val	(7)	(7)	6.8%	6%	5.3%	4.5%	3.8%	3%.
383.55 [2]	37.5¢ per lb. + 32% ad val.	(7)	(7)	32¢/lb. + 29.9%	27¢/lb. + 27.7%	21¢/lb. + 25.6%	16¢/lb. + 23.4%	11¢/lb. + 21.3%	5¢/lb. + 19.1%.[2]
383.57 [3]	37.5¢ per lb. + 30% ad val.	(7)	(7)	32¢/lb. + 29%	26¢/lb. + 28%	21¢/lb. + 27%	16¢/lb. + 26%	10¢/lb. + 25%	5¢/lb. + 24%.[3]
383.58 [4]	37.5¢ per lb. + 30% ad val.	(7)	(7)	32¢/lb. + 28.4%	28¢/lb. + 26.8%	23¢/lb. + 25.1%	18¢/lb. + 23.5%	14¢/lb. + 21.9%	9¢/lb. + 20.3%.[4]
383.60	37.5¢ per lb. + 15.5% ad val.	(7)	(7)	31¢/lb. + 14.2%	25¢/lb. + 12.8%	19¢/lb. + 11.5%	12¢/lb. + 10.2%	6¢/lb. + 8.8%	7.5%.
383.62	37.5¢ per lb. + 20% ad val.	(7)	(7)	36¢/lb. + 20%	35¢/lb. + 20%	34¢/lb. + 20%	33¢/lb. + 20%	32¢/lb. + 20%	31¢/lb. + 20%.
383.63	37.5¢ per lb. + 20% ad val.	(7)	(7)	31¢/lb. + 19.5%	25¢/lb. + 19%	19¢/lb. + 18.5%	12¢/lb. + 18%	6¢/lb. + 17.5%	17%.
383.65	25¢ per lb. + 21% ad val.	(7)	(7)	21¢/lb. + 21%	18¢/lb. + 21%	15¢/lb. + 21%	12¢/lb. + 21%	9¢/lb. + 21%	6¢/lb. + 21%.
383.66	25¢ per lb. + 21% ad val.	(7)	(7)	20¢/lb. + 20.3%	16¢/lb. + 19.7%	12¢/lb. + 19%	8¢/lb. + 18.3%	4¢/lb. + 17.7%	17%.

383.68	37.5¢ per lb. + 21% ad val.	(7)	(7)	31¢/lb. + 20.3%	25¢/lb. + 19.7%	19¢/lb. + 19%	12¢/lb. + 18.3%	6¢/lb. + 17.7%	17%.
383.72	37.5¢ per lb. + 21% ad val.	(7)	(7)	35¢/lb. + 21%	32¢/lb. + 21%	29¢/lb. + 21%	26¢/lb. + 21%	24¢/lb. + 21%	21¢/lb. + 21%.
383.75	37.5¢ per lb. + 21% ad val.	(7)	(7)	31¢/lb. + 20.3%	25¢/lb. + 19.7%	19¢/lb. + 19%	12¢/lb. + 18.3%	6¢/lb. + 17.7%	17%.
383.77	10% ad val.	(7)	(7)	9.3%	8.7%	8%	7.3%	6.7%	6%.
383.78	16% ad val.	(7)	(7)	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
383.80	25¢ per lb. + 32.5% ad val.	(7)	(7)	23¢/lb. + 32.5%	21¢/lb. + 32.5%	19¢/lb. + 32.5%	17¢/lb. + 32.5%	15¢/lb. + 32.5%	13¢/lb. + 32.5%.
383.81	25¢ per lb. + 32.5% ad val.	(7)	(7)	20¢/lb. + 32.1%	16¢/lb. + 31.7%	12¢/lb. + 31.3%	8¢/lb. + 30.8%	4¢/lb. + 30.4%	30%.
383.83	25¢ per lb. + 32.5% ad val.	(7)	(7)	20¢/lb. + 32.1%	16¢/lb. + 31.7%	12¢/lb. + 31.3%	8¢/lb. + 30.8%	4¢/lb. + 30.4%	30%.
383.84	25¢ per lb. + 32.5% ad val.	(7)	(7)	21¢/lb. + 29.9%	16¢/lb. + 27.3%	12¢/lb. + 24.8%	8¢/lb. + 22.2%	4¢/lb. + 19.6%	17%
383.86 [5]	25¢ per lb. + 32.5% ad val.	(7)	(7)	21¢/lb. + 30.3%	17¢/lb. + 28.1%	14¢/lb. + 25.9%	10¢/lb. + 23.6%	7¢/lb. + 21.4%	3¢/lb. + 19.2%.[5]
383.88 [6]	25¢ per lb. + 27.5% ad val.	(7)	(7)	21¢/lb. + 25.3%	17¢/lb. + 23.1%	14¢/lb. + 20.9%	10¢/lb. + 18.6%	7¢/lb. + 16.4%	3¢/lb. + 14.2%.[6]
383.90	25¢ per lb. + 27.5% ad val.	(7)	(7)	23¢/lb. + 27.5%	22¢/lb. + 27.5%	21¢/lb. + 27.5%	19¢/lb. + 27.5%	18¢/lb. + 27.5%	17¢/lb. + 27.5%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 383.55, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

[3] For item 383.57, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

[4] For item 383.58, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—4¢/lb + 18.6%.
Effective with respect to articles entered on and after January 1, 1989—17%.

[5] For item 383.86, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

[6] For item 383.88, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12%.

[7] This item is not established until January 1, 1982.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3, Part 6—Continued									
383.92	25¢ per lb. + 27.5% ad val.	(4)	(4)	20¢/lb. + 25.8%	16¢/lb. + 24%	12¢/lb. + 22.3%	8¢/lb. + 20.5%	4¢/lb. + 18.8%	17%.
383.95	10% ad val	(4)	(4)	9%	8%	7%	6%	5%	4%.
Schedule 3, Part 7									
385.15	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
385.20	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
385.25	17.5% ad val	17.5%	17.5%	15.9%	14.3%	12.7%	11%	9.4%	7.8%.
385.30	7% ad val	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
385.40	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
385.45	0.2¢ per lb. + 1.5% ad val.	0.2¢/lb. + 1.5%	0.2¢/lb. + 1.5%	Free	Free	Free	Free	Free	Free.
385.50	0.25¢ per lb. + 2.5% ad val.	0.25¢/lb. + 2.5%	0.25¢/lb. + 2.5%	0.23¢/lb. + 2.5%	0.2¢/lb. + 2.5%	0.18¢/lb. + 2.5%	0.15¢/lb. + 2.5%	0.13¢/lb. + 2.5%	0.1¢/lb. + 2.5%.
385.53	12¢ per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 14.1%	8¢/lb. + 13.2%	6¢/lb. + 12.3%	4¢/lb. + 11.3%	2¢/lb. + 10.4%	9.5%.
385.55	14% ad val	14%	14%	12.8%	11.7%	10.5%	9.3%	8.2%	7%.
385.60	9% ad val	9%	9%	8.4%	7.8%	7.3%	6.7%	6.1%	5.5%.
385.61	25¢ per lb. + 19% ad val.	25¢/lb. + 19%	25¢/lb. + 19%	21¢/lb. + 17.3%	16¢/lb. + 15.7%	12¢/lb. + 14%	8¢/lb. + 12.3%	4¢/lb. + 10.7%	9%.
385.63	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
385.70	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
385.75	21% ad val	21%	21%	18.9%	16.8%	14.7%	12.6%	10.5%	8.4%.
385.80	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
385.85	12c per lb. + 15% ad val.	12¢/lb. + 15%	12¢/lb. + 15%	10¢/lb. + 13.8%	8¢/lb. + 12.5%	6¢/lb. + 11.3%	4¢/lb. + 10%	2¢/lb. + 8.8%	7.5%.

385.90	10% ad val	10%	10%	9%	8%	7%	6%	5%	4%.
385.95	5¢ per sq. ft	5¢/sq. ft	5¢/sq. ft	4¢/sq. ft	3¢/sq. ft	2¢/sq. ft	2¢/sq. ft	2¢/sq. ft	2¢/sq. ft.
386.04 [2]	40% ad val	40%	40%	37%	34%	31%	28%	25%	22%.[2]
386.06	25% ad val	25%	25%	22.5%	20%	17.5%	15%	12.5%	10%.
386.07	25% ad val	25%	25%	22.5%	20%	17.5%	15%	12.5%	10%.
386.09	25% ad val	25%	25%	22.5%	20%	17.5%	15%	12.5%	10%.
386.10	17.5% ad val	17.5%	17.5%	15.9%	14.3%	12.7%	11%	9.4%	7.8%.
386.20 [3]	35% ad val	35%	35%	32%	29%	26%	23%	20%	17%.[3]
386.25	14% ad val	14%	14%	11%	8%	7%	7%	7%	7%.
386.30	28% ad val	28%	28%	25%	22%	19%	16%	13%	11.2%.
386.40	17.5% ad val	17.5%	17.5%	15.9%	14.3%	12.7%	11%	9.4%	7.8%.
386.50	14% ad val	14%	14%	12.8%	11.7%	10.5%	9.3%	8.2%	7%.
387.10	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
387.20	6% ad val	6%	6%	3%	2.4%	2.4%	2.4%	2.4%	2.4%.
387.32	6.5% ad val	6.5%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%	4.4%.
387.34	6.5% ad val	6.5%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%	4.4%.
388.10	37.5¢ per lb. + 15% ad val.	37.5¢/lb. + 15%	37.5¢/lb. + 15%	31¢/lb. + 14.5%	25¢/lb. + 14%	18¢/lb. + 13.5%	12¢/lb. + 13%	6¢/lb. + 12.5%	12%.
388.20	37.5¢ per lb. + 10% ad val.	37.5¢/lb. + 10%	37.5¢/lb. + 10%	31¢/lb. + 9.5%	25¢/lb. + 9%	19¢/lb. + 8.5%	12¢/lb. + 8%	6¢/lb. + 7.5%	7%.
388.30	33¢ per lb. + 10% ad val.	33¢/lb. + 10%	33¢/lb. + 10%	27¢/lb. + 9.5%	22¢/lb. + 9%	16¢/lb. + 8.5%	11¢/lb. + 8%	5¢/lb. + 7.5%	7%.
388.40	16% ad val	16%	16%	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
389.10	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
389.20	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
389.30	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
389.40	25¢ per lb. + 25% ad val.	25¢/lb. + 25%	25¢/lb. + 25%	21¢/lb. + 22.9%	16¢/lb. + 20.8%	12¢/lb. + 18.8%	8¢/lb. + 16.7%	4¢/lb. + 14.6%	12.5%.
389.50	15¢ per lb. + 25% ad val.	15¢/lb. + 25%	15¢/lb. + 25%	12¢/lb. + 22.7%	10¢/lb. + 20.3%	7¢/lb. + 18%	5¢/lb. + 15.7%	2¢/lb. + 13.3%	11%.
389.61	25¢ per lb. + 15% ad val.	25¢/lb. + 15%	25¢/lb. + 15%	21¢/lb. + 14%	16¢/lb. + 13%	12¢/lb. + 12%	8¢/lb. + 11%	4¢/lb. + 10%	9%.
389.62	25¢ per lb. + 15% ad val.	25¢/lb. + 15%	25¢/lb. + 15%	21¢/lb. + 14%	16¢/lb. + 13%	12¢/lb. + 12%	8¢/lb. + 11%	4¢/lb. + 10%	9%.
389.70	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
390.14	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 386.04, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—19%.

Effective with respect to articles entered on and after January 1, 1989—16%.

[3] For item 386.20, the rate of duty effective with respect to articles entered on and after January 1, 1986, will be 14%.

[4] This item is not established until January 1, 1982.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 3. Part 7— Continued									
390.16	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
390.30	1¢ per lb	0.8¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	Free.
390.40	4.5¢ per lb	4.3¢/lb	4.1¢/lb	3.9¢/lb	3.6¢/lb	3.4¢/lb	3.2¢/lb	3¢/lb	2.8¢/lb.
390.50	2% ad val	1.8%	1.5%	1.3%	1%	0.8%	0.5%	0.3%	Free.
Schedule 4. Part 2									
415.05	5¢ per lb	4.6¢/lb	4.3¢/lb	3.9¢/lb	3.5¢/lb	3.1¢/lb	2.8¢/lb	2.4¢/lb	2¢/lb.
415.10	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
415.20	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
415.27	8¢ per lb	7.7¢/lb	7.5¢/lb	7.2¢/lb	7¢/lb	6.7¢/lb	6.5¢/lb	6.2¢/lb	6¢/lb.
415.30	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
415.35	2¢ per lb	1.7¢/lb	1.5¢/lb	1.2¢/lb	1¢/lb	0.7¢/lb	0.5¢/lb	0.2¢/lb	Free
415.40	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
415.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
416.05	1.5¢ per lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb.
416.10	3.2% ad val	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%.
416.30	3.9% ad val	3.4%	2.9%	2.4%	2%	1.5%	1%	0.5%	Free.
416.40	15% ad val	14.4%	13.9%	13.3%	12.8%	12.2%	11.6%	11.1%	10.5%.
416.45	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
417.10	1.9% ad val	1.8%	1.8%	1.8%	1.8%	1.7%	1.7%	1.6%	1.6%.
417.16	1.3% ad val	1.1%	1%	0.8%	0.7%	0.5%	0.3%	0.2%	Free.
417.18	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
417.20	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
417.22	6.9% ad val	6.4%	5.9%	5.4%	4.9%	4.3%	3.8%	3.3%	2.8%.
417.24	2% ad val	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%	1.7%	1.7%.
417.26	3.7% ad val	3.6%	3.5%	3.4%	3.3%	3.2%	3.1%	3%	2.9%.
417.28	6.2% ad val	6%	5.7%	5.5%	5.3%	5%	4.8%	4.5%	4.3%.
417.30	3.7% ad val	1.9%	Free	Free	Free	Free	Free	Free	Free.
417.32	0.2% ad val	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%.

417.34	1.7% ad val	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.5%	1.5%.
417.36	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
417.38	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
417.40	13.3% ad val	12.9%	12.5%	12.1%	11.7%	11.2%	10.8%	10.4%	10%.
417.42	16% ad val	15.4%	14.8%	14.2%	13.6%	13%	12.4%	11.8%	11.2%.
417.44	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
41 50	0.3¢ per lb	0.3¢/lb	0.2¢/lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	Free	Free.
417.52	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
417.54	10.1% ad val	9.6%	9%	8.5%	8%	7.4%	6.9%	6.3%	5.8%.
417.64	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
417.70	5.9% ad val	5.7%	5.5%	5.3%	5.1%	4.8%	4.6%	4.4%	4.2%.
417.72	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
417.74	2.4% ad val	2.3%	2.3%	2.3%	2.2%	2.2%	2.1%	2.1%	2%.
417.76	2.3% ad val	2.2%	2.2%	2.2%	2.2%	2.1%	2.1%	2%	2%.
417.78	2.3% ad val	2.2%	2.2%	2.2%	2.2%	2.1%	2.1%	2%	2%.
417.80	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
417.90	5% ad val	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%.
417.92	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
418.00	14% ad val	13.1%	12.3%	11.4%	10.5%	9.6%	8.8%	7.9%	7%.
418.14	2.1% ad val	2%	2%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%.
418.18	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
418.22	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
418.24	1.4% ad val	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%.
418.26	4.9% ad val	4.8%	4.8%	4.8%	4.8%	4.8%	4.8%	4.7%	4.7%.
418.28	4.5% ad val	4%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
418.30	11.3% ad val	11.1%	11%	10.8%	10.7%	10.5%	10.3%	10.2%	10%.
418.32	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
418.40	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
418.42	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
418.44	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
418.50	6% ad val	5.8%	5.5%	5.3%	5%	4.8%	4.5%	4.3%	4%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 4, Part 2— Continued									
418.52	5% ad val	4.9%	4.8%	4.6%	4.5%	4.4%	4.3%	4.1%	4%.
418.62	1.5% ad val	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%.
418.68	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
418.72	5.8% ad val	5.6%	5.4%	5.2%	5%	4.7%	4.5%	4.3%	4.1%.
418.74	6.3% ad val	6.1%	5.8%	5.6%	5.3%	5.1%	4.8%	4.6%	4.3%.
418.76	1.6% ad val	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%.
418.78	6.6 ad val	6.3%	5.9%	5.6%	5.3%	4.9%	4.6%	4.2%	3.9%.
418.94	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
419.00	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
419.02	2.3% ad val	2.2%	2.2%	2.2%	2.1%	2.1%	2%	2%	1.9%.
419.04	7.5% ad val	7.2%	6.8%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%.
419.10	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
419.20	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
419.22	0.25¢ per lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb.
419.24	1.4% ad val	1.2%	1.1%	0.9%	0.7%	0.5%	0.4%	0.2%	Free.
419.28	1.7% ad val	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.5%	1.5%.
419.32	1¢ per lb	0.9¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.4¢/lb	0.2¢/lb	0.1¢/lb	Free.
419.34	5% ad val	4.5%	4.4%	4.3%	4.2%	4%	3.9%	3.8%	3.7%.
419.38	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
419.40	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
419.42	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
419.44	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
419.50	9¢ per lb. + 6% ad val.	8.6¢/lb. + 5.8%	8.2¢/lb. + 5.5%	7.8¢/lb. + 5.3%	7.5¢/lb. + 5%	7.1¢/lb. + 4.8%	6.7¢/lb. + 4.5%	6.3¢/lb. + 4.3%	6¢/lb. + 4%.
419.52	9¢ per lb. + 6% ad val.	8.6¢/lb. + 5.8%	8.2¢/lb. + 5.5%	7.8¢/lb. + 5.3%	7.5¢/lb. + 5%	7.1¢/lb. + 4.8%	6.7¢/lb. + 4.5%	6.3¢/lb. + 4.3%	6¢/lb. + 4%.
419.54	9¢ per lb. + 6% ad val.	8.6¢/lb. + 5.8%	8.2¢/lb. + 5.5%	7.8¢/lb. + 5.3%	7.5¢/lb. + 5%	7.1¢/lb. + 4.8%	6.7¢/lb. + 4.5%	6.3¢/lb. + 4.3%	6¢/lb. + 4%.
419.60	4.1% ad val	4%	3.9%	3.8%	3.7%	3.5%	3.4%	3.3%	3.2%.
419.70	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
419.74	5% ad val	4.8%	4.6%	4.3%	4.1%	3.9%	3.7%	3.4%	3.2%.

419.76	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
419.80	4.5% ad val	4.4%	4.2%	4.1%	3.9%	3.8%	3.6%	3.5%	3.3%.
419.82	12.7% ad val	11.9%	11.2%	10.4%	9.7%	8.9%	8.1%	7.4%	6.6%.
419.84	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
419.90	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
420.00	0.5¢ per lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb.
420.02	2¢ per lb	1.9¢/lb	1.9¢/lb	1.8¢/lb	1.7¢/lb	1.7¢/lb	1.6¢/lb	1.5¢/lb	1.5¢/lb.
420.04	2.3% ad val	2.2%	2.2%	2.2%	2.1%	2.1%	2%	2%	1.9%.
420.06	4.4% ad val	4.3%	4.1%	4%	3.9%	3.7%	3.6%	3.4%	3.3%.
420.08	1.7% ad val	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.5%	1.5%.
420.14	1.8¢ per lb	1.8¢/lb	1.7¢/lb	1.7¢/lb	1.7¢/lb	1.6¢/lb	1.6¢/lb	1.5¢/lb	1.5¢/lb.
420.16	0.8¢ per lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb	0.7¢/lb.
420.18	0.15¢ per lb	0.13¢/lb	0.11¢/lb	0.09¢/lb	0.07¢/lb	0.06¢/lb	0.04¢/lb	0.02¢/lb	Free.
420.20	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
420.22	3.8% ad val	3.7%	3.6%	3.5%	3.4%	3.3%	3.2%	3.1%	3%.
420.24	2.9% ad val	2.8%	2.8%	2.7%	2.7%	2.6%	2.5%	2.5%	2.4%.
420.26	1.3% ad val	1.1%	1%	0.8%	0.7%	0.5%	0.3%	0.2%	Free.
420.28	7.8% ad val	7.5%	7.1%	6.8%	6.4%	6.1%	5.7%	5.4%	5%.
420.30	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
420.32	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
420.34	16% ad val	15.4%	14.8%	14.2%	13.6%	13%	12.4%	11.8%	11.2%.
420.36	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
420.40	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
420.54	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
420.60	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
420.68	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
420.70	0.4¢ per lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb.
420.78	0.6¢ per lb	0.06¢/lb	0.05¢/lb	0.5¢/lb	0.4¢/lb	0.04¢/lb	0.04¢/lb	0.03¢/lb	0.03¢/lb.
420.82	8¢ per lb	7.4¢/lb	6.7¢/lb	6.1¢/lb	5.5¢/lb	4.9¢/lb	4.2¢/lb	3.6¢/lb	3¢/lb.
420.84	1.3% ad val	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%.
420.86	0.2¢ per lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb.
420.88	3.2% ad val	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free.
420.92	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
420.94	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
420.98	2.9% ad val	2.8%	2.8%	2.7%	2.7%	2.6%	2.5%	2.5%	2.4%.
421.04	1.9% ad val	1.8%	1.8%	1.8%	1.8%	1.8%	1.8%	1.7%	1.7%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 4. Part 2— Continued									
421.06	0.2¢ per lb	0.15¢/lb	0.15¢/lb	0.1¢/lb	0.1¢/lb	0.05¢/lb	0.05¢/lb	Free	Free.
421.10	5.1% ad val	4.9%	4.8%	4.6%	4.4%	4.2%	4.1%	3.9%	3.7%.
421.14	21.5% ad val	19.9%	18.3%	16.7%	15.1%	13.4%	11.8%	10.2%	8.6%.
421.16	1.6% ad val	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.4%	1.4%.
421.18	3.1% ad val	3%	3%	2.9%	2.8%	2.7%	2.7%	2.6%	2.5%.
421.22	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
421.34	1.2% ad val	1.1%	1.1%	1.1%	1.1%	1.1%	1.1%	1.1%	1.1%.
421.36	5.8% ad val	5.6%	5.4%	5.2%	5%	4.7%	4.5%	4.3%	4.1%.
421.44	40¢ per ton	39¢/ton	38¢/ton	37¢/ton	36¢/ton	36¢/ton	35¢/ton	34¢/ton	33¢/ton.
421.46	3.1% ad val	3%	3%	2.9%	2.8%	2.7%	2.7%	2.6%	2.5%.
421.52	3.6% ad val	3.5%	3.4%	3.3%	3.3%	3.2%	3.1%	3%	2.9%.
421.54	1.8% ad val	1.7%	1.7%	1.7%	1.7%	1.6%	1.6%	1.5%	1.5%.
421.56	12.7% ad val	12.4%	12%	11.7%	11.4%	11%	10.7%	10.3%	10%.
421.60	16% ad val	15.4%	14.8%	14.2%	13.6%	13%	12.4%	11.8%	11.2%.
421.62	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
421.72	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
421.74	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
421.76	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
421.84	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
421.86	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
421.90	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
422.00	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
422.10	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
422.12	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
422.14	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
422.20	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
422.24	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
422.26	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
422.30	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.

422.40	21¢ per lb. on tungsten content + 12.5% ad val.	16¢/lb. on tungsten content + 12.5%.	10¢/lb. on tungsten content + 12.5%.	5¢/lb. on tungsten content + 12.5%.	12.5%	12%	11.5%	11%	10.5%.
422.42	11.9% ad val	11.7%	11.4%	11.2%	11%	10.7%	10.5%	10.2%	10%.
422.58	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
422.70	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
422.72	1.9% ad val	1.8%	1.8%	1.8%	1.8%	1.7%	1.7%	1.6%	1.6%.
422.76	1.6% ad val	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1. 6%	1.6%.
422.78	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
422.80	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
422.82	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
422.90	5% ad vai	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
422.92	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
422.94	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
423.00	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
423.80	14% ad val	13.1%	12.3%	11.4%	10.5%	9.6%	8.8%	7.9%	7%.
423.86	9¢ per lb. + 6% ad val.	8.5¢/lb. + 5.8%	8¢/lb. + 5.5%	7.5¢/lb. + 5.3%	7.5¢/lb. + 5%	7¢/lb. + 4.8%	6.5¢/lb. + 4.5%	6¢/lb. + 4.3%	6¢/lb. + 4%.
423.88	3.6% ad val	3.5%	3.4%	3.3%	3.2%	3.1%	3%	2.9%	2.8%.
423.92	11.9% ad val	11.7%	11.4%	11.2%	11%	10.7%	10.5%	10.2%	10%.
423.94	16% ad val	14.9%	13.9%	12.8%	11.7%	10.6%	9.6%	8.5%	7.4%.
423.96	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.2%	0.6%	Free.
425.00	11.6% ad val	11.6%	11.6%	11.6%	11.6%	11.6%	11.6%	11.6%	11.6%.
425.74	10.3% ad val	4.2¢/lb	4.2¢/lb	9.6%	8.9%	8.2%	7.4%	6.7%	6%.
425.76	9% ad val	9%	9%	9%	9%	9%	9%	9%	9%.
425.84	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
425.87	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
426.22	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
426.24	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 4. Part 2— Continued									
426.26	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
426.32	6.4% ad val	6.2%	5.9%	5.7%	5.4%	5.2%	4.9%	4.7%	4.4%.
426.42	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
426.52	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
427.14	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
427.40	8% ad val	8%	8%	8%	8%	8%	8%	8%	8%.
427.88	4% ad val	3%	3%	3%	3%	3%	3%	3%	3%.
427.92	1.5¢ per lb	1.45¢/lb	1.45¢/lb	1.4¢/lb	1.4¢/lb	1.35¢/lb	1.35¢/lb	1.3¢/lb	1.3¢/lb.
428.52	15.9% ad val	15.9%	15.9%	15.9%	15.9%	15.9%	15.9%	15.9%	15.9%.
429.24	15.9% ad val	15.9%	15.9%	15.9%	15.9%	15.9%	15.9%	15.9%	15.9%.
429.70	15% ad val	15%	15%	13.7%	12.4%	11.1%	9.8%	8.5%	7.2%.
429.85	10.5% ad val	10.5%	10.5%	9.8%	9%	8.3%	7.5%	6.8%	6%.
430.20	5% ad val., but not less than the highest rate applicable to any component compound.	5%, but not less than the highest rate applicable to any component compound.	5%, but not less than the highest rate applicable to any component compound.	4.8%, but not less than the highest rate applicable to any component compound.	4.6%, but not less than the highest rate applicable to any component compound.	4.4%, but not less than the highest rate applicable to any component compound.	4.1%, but not less than the highest rate applicable to any component compound.	3.9%, but not less than the highest rate applicable to any component compound.	3.7%, but not less than the highest rate applicable to any component compound.
432.20	5% ad val., but not less than the highest rate applicable to any component material.	4.8%, but not less than the highest rate applicable to any component material.	4.7%, but not less than the highest rate applicable to any component material.	4.5%, but not less than the highest rate applicable to any component material.	4.4%, but not less than the highest rate applicable to any component material.	4.2%, but not less than the highest rate applicable to any component material.	4%, but not less than the highest rate applicable to any component material.	3.9%, but not less than the highest rate applicable to any component material.	3.7%, but not less than the highest rate applicable to any component material.
Schedule 4. Part 3									
435.70	$3.00 per lb. of anhydrous morphine content.	Free	Free	Free	Free	Free	Free	Free	Free.

436.00	The rate provided for such product in this subpart, but not less than 5% ad val.	The rate provided for such product in this subpart, but not less than 4.8%.	The rate provided for such product in this subpart, but not less than 4.7%.	The rate provided for such product in this subpart, but not less than 4.5%.	The rate provided for such product in this subpart, but not less than 4.4%.	The rate provided for such product in this subpart, but not less than 4.2%.	The rate provided for such product in this subpart, but not less than 4%.	The rate provided for such product in this subpart, but not less than 3.9%.	The rate provided for such product in this subpart, but not less than 3.7%.
437.55	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
437.60	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
437.74	30% ad val	27.8%	25.5%	23.3%	21%	18.8%	16.5%	14.3%	12%.
437.86	4% ad val	3.8%	3.7%	3.5%	3.4%	3.2%	3%	2.9%	2.7%.
438.01	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
438.02	The rate provided for such product in this subpart, but not less than 5% ad val.	The rate provided for such product in this subpart, but not less than 4.8%.	The rate provided for such product in this subpart, but not less than 4.7%.	The rate provided for such product in this subpart, but not less than 4.5%.	The rate provided for such product in this subpart, but not less than 4.4%.	The rate provided for such product in this subpart, but not less than 4.2%.	The rate provided for such product in this subpart, but not less than 4%.	The rate provided for such product in this subpart, but not less than 3.9%.	The rate provided for such product in this subpart, but not less than 3.7%
439.50	5% ad val	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%.
440.00	The rate provided for such product in this subpart, but not less than 5% ad val.	The rate provided for such product in this subpart, but not less than 4.8%.	The rate provided for such product in this subpart, but not less than 4.7%.	The rate provided for such product in this subpart, but not less than 4.5%.	The rate provided for such product in this subpart, but not less than 4.4%.	The rate provided for such product in this subpart, but not less than 4.2%.	The rate provided for such product in this subpart, but not less than 4%.	The rate provided for such product in this subpart, but not less than 3.9%.	The rate provided for such product in this subpart, but not less than 3.7%.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 4, Part 4									
440.10	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
440.15	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
440.30	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
Schedule 4, Part 5									
450.10	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
452.24	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
452.48	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
452.54	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
452.56	2% ad val	1.8%	1.5%	1.3%	1%	0.8%	0.5%	0.3%	Free.
452.80	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
Schedule 4, Part 6									
455.02	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
455.06	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
455.30	0.5¢ per lb. + 6% ad val.	0.4¢/lb. + 5.6%	0.4¢/lb. + 5.1%	0.3¢/lb. + 4.7%	0.3¢/lb. + 4.2%	0.3¢/lb. + 3.8%	0.2¢/lb. + 3.3%	0.2¢/lb. + 2.9%	0.2¢/lb. + 2.4%.
455.32	2¢ per lb. + 6% ad val.	1.9¢/lb. + 5.7%	1.8¢/lb. + 5.4%	1.7¢/lb. + 5.1%	1.6¢/lb. + 4.8%	1.5¢/lb. + 4.5%	1.4¢/lb. + 4.2%	1.3¢/lb. + 3.9%	1.2¢/lb. + 3.6%.
455.36	0.25¢ per lb. + 3.5% ad val.	0.2¢/lb. + 3.1%	0.2¢/lb. + 2.6%	0.1¢/lb. + 2.2%	0.1¢/lb. + 1.8%	0.1¢/lb. + 1.3%	0.9%	0.4%	Free.
455.38	2¢ per lb. + 6% ad val.	1.8¢/lb. + 5.6%	1.7¢/lb. + 5.1%	1.5¢/lb. + 4.7%	1.4¢/lb. + 4.2%	1.2¢/lb. + 3.8%	1.1¢/lb. + 3.3%	0.9¢/lb. + 2.9%	0.8¢/lb. + 2.4%.

Schedule 4. Part 7									
460.85	8¢ per lb. + 6% ad val.	7.5¢/lb. + 5.8%	7¢/lb. + 5.5%	6.5¢/lb. + 5.3%	6.5¢/lb. + 5.1%	6¢/lb. + 4.8%	5.5¢/lb. + 4.6%	5¢/lb. + 4.3%	5¢/lb. + 4.1%.
460.90	8¢ per lb. + 7.5% ad val.	7.5¢/lb. + 7.2%	7¢/lb. + 6.8%	6.5¢/lb. + 6.5%	6.5¢/lb. + 6.1%	6¢/lb. + 5.8%	5.5¢/lb. + 5.4%	5¢/lb. + 5.1%	5¢/lb. + 4.7%.
461.10	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
461.15	8¢ per lb. + 12% ad val.	7.5¢/lb. + 11.3%	7¢/lb. + 10.5%	6.5¢/lb. + 9.8%	6¢/lb. + 9.1%	5.5¢/lb. + 8.3%	5¢/lb. + 7.6%	4.5¢/lb. + 6.8%	4¢/lb. + 6.1%.
461.20	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
461.30	7.5% ad val	7.2%	6.9%	6.6%	6.3%	5.9%	5.6%	5.3%	5%.
461.35	8¢ per lb. + 7.5% ad val.	7¢/lb. + 7.2%	6¢/lb. + 6.9%	5¢/lb. + 6.6%	4¢/lb. + 6.3%	3¢/lb. + 5.9%	2¢/lb. + 5.6%	1¢/lb. + 5.3%	5%.
461.40	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
461.45	8¢ per lb. + 7.5% ad val.	7.5¢/lb. + 7.1%	7¢/lb. + 6.8%	6.5¢/lb. + 6.4%	6.5¢/lb. + 6%	6¢/lb. + 5.6%	5.5¢/lb. + 5.3%	5¢/lb. + 4.9%	5¢/lb. + 4.5%.
Schedule 4. Part 6									
465.05	1.5¢ per lb. + 7.5% ad val.	1.4¢/lb. + 7.1%	1.3¢/lb. + 6.7%	1.2¢/lb. + 6.3%	1.2¢/lb. + 5.9%	1.1¢/lb. + 5.5%	1¢/lb. + 5.1%	0.9¢/lb. + 4.7%	0.9¢/lb. + 4.3%.
465.10	1.8¢ per lb. + 7.5% ad val.	1.7¢/lb. + 7.1%	1.6¢/lb. + 6.8%	1.5¢/lb. + 6.4%	1.4¢/lb. + 6%	1.3¢/lb. + 5.6%	1.2¢/lb. + 5.3%	1.1¢/lb. + 4.9%	1¢/lb. + 4.5%.
465.15	1.5¢ per lb. + 7.5% ad val.	1.4¢/lb. + 7.1%	1.3¢/lb. + 6.8%	1.3¢/lb. + 6.4%	1.2¢/lb. + 6%	1.1¢/lb. + 5.6%	1.1¢/lb. + 5.3%	1¢/lb. + 4.9%	1¢/lb. + 4.5%.
465.20	1.8¢ per lb. + 7.5% ad val.	1.7¢/lb. + 7.1%	1.6¢/lb. + 6.8%	1.5¢/lb. + 6.4%	1.4¢/lb. + 6%	1.3¢/lb. + 5.6%	1.2¢/lb. + 5.3%	1.1¢/lb. + 4.9%	1¢/lb. + 4.5%.
465.25	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 4, Part 8— Continued									
465.30	0.7¢ per lb. + 5% ad val.	0.7¢/lb. + 4.8%	0.6¢/lb. + 4.6%	0.6¢/lb. + 4.4%	0.6¢/lb. + 4.2%	0.6¢/lb. + 4%	0.5¢/lb. + 3.8%	0.5¢/lb. + 3.6%	0.5¢/lb. + 3.4%.
465.35	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
465.40	0.7¢ per lb. + 5% ad val.	0.7¢/lb. + 4.8%	0.6¢/lb. + 4.6%	0.6¢/lb. + 4.4%	0.6¢/lb. + 4.2%	0.6¢/lb. + 4%	0.5¢/lb. + 3.8%	0.5¢/lb. + 3.6%	0.5¢/lb. + 3.4%.
465.45	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
465.50	0.7¢ per lb. + 5% ad val.	0.7¢/lb. + 4.8%	0.6¢/lb. + 4.4%	0.6¢/lb. + 4.4%	0.6¢/lb. + 4.2%	0.6¢/lb. + 4.1%	0.5¢/lb. + 3.9%	0.5¢/lb. + 3.7%	0.5¢/lb. + 3.5%.
465.55	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
465.60	0.3¢ per lb. + 5% ad val.	0.2¢/lb. + 4.8%	0.2¢/lb. + 4.7%	0.2¢/lb. + 4.5%	0.2¢/lb. + 4.3%	0.2¢/lb. + 4.1%	0.2¢/lb. + 4%	0.2¢/lb. + 3.8%	0.2¢/lb. + 3.6%.
465.65	7% ad val.	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
465.70	0.3¢ per lb. + 7% ad val.	0.2¢/lb. + 6.5%	0.2¢/lb. + 6.1%	0.2¢/lb. + 5.6%	0.1¢/lb. + 5.1%	0.1¢/lb. + 4.6%	4.2%	3.7%	3.2%.
465.75	1¢ per lb. + 7% ad val.	0.9¢/lb. + 6.5%	0.8¢/lb. + 6%	0.7¢/lb. + 5.4%	0.7¢/lb. + 4.9%	0.6¢/lb. + 4.4%	0.5¢/lb. + 3.9%	0.4¢/lb. + 3.3%	0.4¢/lb. + 2.8%.
465.80	0.7¢ per lb. + 7% ad val.	0.6¢/lb. + 6.7%	0.6¢/lb. + 6.3%	0.6¢/lb. + 6%	0.5¢/lb. + 5.7%	0.5¢/lb. + 5.3%	0.4¢/lb. + 5%	0.4¢/lb. + 4.6%	0.4¢/lb. + 4.3%.
465.85	7% ad val.	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
465.90	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
465.92	5% ad val.	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
465.95	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
466.05	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
466.10	0.5¢ per lb. + 5% ad val.	0.3¢/lb. + 3.3%	0.3¢/lb. + 3.3%	0.3¢/lb. + 3.3%	0.3¢/lb. + 3.3%	0.3¢/lb. + 3.3%	0.3¢/lb. + 3.3%	0.3¢/lb. + 3.3%	0.3¢/lb. + 3.3%.
466.15	0.8¢ per lb. + 5% ad val.	0.8¢/lb. + 4.8%	0.7¢/lb. + 4.7%	0.6¢/lb. + 4.5%	0.6¢/lb. + 4.3%	0.6¢/lb. + 4.1%	0.5¢/lb. + 4%	0.5¢/lb. + 3.8%	0.5¢/lb. + 3.6%.
466.20	7% ad val.	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
466.25	0.5¢ per lb. + 4% ad val.	0.4¢/lb. + 3.9%	0.4¢/lb. + 3.7%	0.4¢/lb. + 3.6%	0.4¢/lb. + 3.5%	0.4¢/lb. + 3.3%	0.4¢/lb. + 3.2%	0.4¢/lb. + 3%	0.4¢/lb. + 2.9%.
466.30	5% ad val.	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
Schedule 4, Part 9									
472.04	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.

472.06	0.6¢ per lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb.
472.14	0.3¢ per lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb.
472.22	1.6% ad val	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.4%	1.4%.
472.24	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
472.30	8.6% ad val	8.2%	7.8%	7.4%	7%	6.5%	6.1%	5.7%	5.3%.
472.44	2.3% ad val	2.2%	2.2%	2.2%	2.2%	2.1%	2.1%	2%	2%.
472.48	0.09¢ per lb	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/lb.
472.50	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
473.02	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
473.06	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
473.14	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
473.16	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
473.19	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
473.24	8.4% ad val	8%	7.6%	7.1%	6.7%	6.3%	5.9%	5.4%	5%.
473.28	4% ad val	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%
473.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
473.32	0.06¢ per lb	0.06¢/lb	0.06¢/lb	0.06¢/lb	0.05¢/lb	0.05¢/lb	0.04¢/lb	0.04¢/lb	0.04¢/lb.
473.36	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/lb	0.08¢/ib	0.08¢/lb	0.08¢/lb	0.08¢/lb.
473.46	1.2% ad val	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%.
473.48	4.3% ad val	4.3%	4.3%	4.3%	4.3%	4.3%	4.3%	4.3%	4.3%.
473.52	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.
473.54	2.8% ad val	2.7%	2.7%	2.6%	2.6%	2.5%	2.4%	2.4%	2.3%.
473.56	6.6% ad val	5.8%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%.
473.60	1.4% ad val	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%.
473.66	4.1% ad val	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%.
473.70	7.5% ad val	7.3%	7.1%	6.9%	6.8%	6.6%	6.4%	6.2%	6%.
473.76	1.6% ad val	1.4%	1.2%	1%	0.8%	0.6%	0.4%	0.2%	Free.
473.80	3.6% ad val	3.5%	3.4%	3.3%	3.2%	3.1%	3%	2.9%	2.8%.
473.86	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
Schedule 4. Part 10									
475.55	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
475.60	1¢ per lb. + 10% ad val.	0.9¢/lb. + 9.5%	0.9¢/lb. + 8.9%	0.8¢/lb. + 8.4%	0.8¢/lb. + 7.9%	0.7¢/lb. + 7.3%	0.7¢/lb. + 6.8%	0.6¢/lb. + 6.2%	0.6¢/lb. + 5.7%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 4, Part 12									
485.10	0.37¢ per lb	0.32¢/lb	0.28¢/lb	0.23¢/lb	0.19¢/lb	0.14¢/lb	0.09¢/lb	0.05¢/lb	Free.
485.20	4¢ per lb	3.9¢/lb	3.8¢/lb	3.6¢/lb	3.5¢/lb	3.4¢/lb	3.3¢/lb	3.1¢/lb	3¢/lb.
485.30	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
Schedule 4, Part 13									
490.05	16% ad val	14.9%	13.9%	12.8%	11.7%	10.6%	9.6%	8.5%	7.4%.
490.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
490.32	6.1% ad val	5.9%	5.6%	5.4%	5.2%	4.9%	4.7%	4.4%	4.2%.
490.42	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
490.44	11.1% ad val	10.5%	9.9%	9.3%	8.7%	8%	7.4%	6.8%	6.2%.
490.46	5.6% ad val	5.4%	5.2%	5%	4.8%	4.6%	4.4%	4.2%	4%.
490.48	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
490.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
490.65	7.9% ad val	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%.
490.90	5.4% ad val	5.2%	5%	4.8%	4.6%	4.4%	4.2%	4%	3.8%.
490.92	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
490.94	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
493.10	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
493.21	2.4¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
493.25	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
493.28	7.5% ad val	7.2%	6.8%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%.
493.30	1.125¢ per lb	1.05¢/lb	0.97¢/lb	0.89¢/lb	0.81¢/lb	0.74¢/lb	0.66¢/lb	0.58¢/lb	0.5¢/lb.
493.46	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
493.66	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
493.82	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6	Free.
494.40	0.5¢ per lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb.
494.52	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
494.60	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
495.05	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
495.10	8.5% ad val	7.9%	7.3%	6.6%	6%	5.4%	4.8%	4.1%	3.5%.

495.15	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
495.20	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
Schedule 5, Part 1									
511.25	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
511.41	13% ad val	12%	11.1%	10.1%	9.1%	8.1%	7.2%	6.2%	5.2%.
511.61	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
511.71	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
512.24	60¢ per ton	57¢/ton	55¢/ton	53¢/ton	50¢/ton	48¢/ton	46¢/ton	44¢/ton	42¢/ton.
512.31	$5 per ton	$4.69/ton	$4.39/ton	$4.08/ton	$3.77/ton	$3.47/ton	$3.16/ton	$2.86/ton	$2.55/ton.
512.35	$7 per ton	$6.47/ton	$5.95/ton	$5.42/ton	$4.90/ton	$4.37/ton	$3.85/ton	$3.32/ton	$2.80/ton.
513.11	25¢ per ton	22¢/ton	19¢/ton	16¢/ton	12¢/ton	9¢/ton	6¢/ton	3¢/ton	Free.
513.21	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
513.31	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
513.36	10¢ per short ton	8¢/short ton	7¢/short ton	6¢/short ton	5¢/short ton	3¢/short ton	2¢/short ton	1¢/short ton	Free.
513.41	2.5% ad val	2.2%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free.
513.51	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
513.74	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
513.81	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
513.84	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
513.94	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
514.11	10¢ per short ton	Free	Free	Free	Free	Free	Free	Free	Free.
514.21	1¢ per cu. ft	0.9¢/cu. ft	0.7¢/cu. ft	0.6¢/cu. ft	0.5¢/cu. ft	0.4¢/cu. ft	0.2¢/cu. ft	0.1¢/cu. ft	Free.
514.24	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
514.34	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
514.41	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
514.44	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
514.51	13.5¢ per cu. ft	13.3¢/cu. ft	13.1¢/cu. ft	12.9¢/cu. ft	12.7¢/cu. ft	12.6¢/cu. ft	12.4¢/cu. ft	12.2¢/cu. ft	12¢/cu. ft.
514.57	25¢ per cu. ft	24.4¢/cu. ft	23.7¢/cu. ft	23.1¢/cu. ft	22.5¢/cu. ft	21.9¢/cu. ft	21.2¢/cu. ft	20.6¢/cu. ft	20¢/cu. ft.
514.61	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
514.65	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
514.81	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
515.11	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
515.14	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 5, Part 1—Continued									
515.21	5¢ per cu. ft	4.9¢/cu. ft	4.7¢/cu. ft	4.6¢/cu. ft	4.5¢/cu. ft	4.4¢/cu. ft	4.2¢/cu. ft	4.1¢/cu. ft	4¢/cu. ft.
515.24	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
515.31	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
515.34	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
515.51	1¢ per cu. ft	0.9¢/cu. ft	0.7¢/cu. ft	0.6¢/cu. ft	0.5¢/cu. ft	0.4¢/cu. ft	0.2¢/cu. ft	0.1¢/cu. ft	Free.
515.54	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
515.64	13.5% ad val	10.5%	7.5%	6.9%	6.9%	6.9%	6.9%	6.9%	6.9%.
516.11	2.5% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
516.21	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
516.24	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.
516.71	11% ad val	8%	5%	4.4%	4.4%	4.4%	4.4%	4.4%	4.4%.
516.73	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
516.74	20% ad val	17%	14%	11%	8%	8%	8%	8%	8%.
516.76	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
516.81	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
516.91	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
516.94	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
517.11	2.5% ad val	2.2%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free.
517.21	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
517.24	0.4¢ per lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb.
517.27	2.5% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
517.51	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
517.61	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
517.71	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
517.74	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
517.81	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
517.91	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
518.21	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
518.44	0.1¢ per lb	Free	Free	Free	Free	Free	Free	Free	Free.
518.51	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
519.11	0.02¢ per lb	0.01¢/lb	0.01¢/lb	0.01¢/lb	0.01¢/lb	0.01¢/lb	0.01¢/lb	0.01¢/lb	0.01¢/lb.
519.14	0.04¢ per lb	0.035¢/lb	0.035¢/lb	0.035¢/lb	0.035¢/lb	0.035¢/lb	0.035¢/lb	0.035¢/lb	0.035¢/lb.
519.31	0.17¢ per lb	0.16¢/lb	0.16¢/lb	0.15¢/lb	0.15¢/lb	0.14¢/lb	0.14¢/lb	0.13¢/lb	0.13¢/lb.
519.37	0.4¢ per lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb	0.3¢/lb.
519.51	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
519.83	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.

519.84	10¢ per lb. + 8.5% ad val.	9.3¢/lb + 7.9%	8.6¢/lb + 7.4%	7.9¢/lb + 6.8%	7.2¢/lb + 6.2%	6.6¢/lb + 5.6%	5.9¢/lb + 5.1%	5.2¢/lb + 4.5%	4.5¢/lb + 3.9%.
519.86	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
519.91	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
519.93	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
519.95	2.5% ad val	2.2%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free.
519.97	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
520.21	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
520.31	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
520.32	4% ad val	1%	Free	Free	Free	Free	Free	Free	Free.
520.33	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
520.35	4% ad val	1%	Free	Free	Free	Free	Free	Free	Free.
520.37	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
520.39	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
520.54	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
520.71	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
520.75	15% ad val	15%	15%	13.5%	12%	10.5%	9%	7.5%	6%.
521.71	42¢ per ton	41.5¢/ton	41¢/ton	40.5¢/ton	40¢/ton	39.5¢/ton	39¢/ton	38.5¢/ton	38¢/ton.
521.74	85¢ per ton	84¢/ton	83¢/ton	82¢/ton	81¢/ton	80¢/ton	79¢/ton	78¢/ton	77¢/ton.
521.87	0.05 per lb + 6% ad val.	0.04¢/lb + 5.6%	0.04¢/lb + 5.1%	0.03¢/lb + 4.7%	0.02¢/lb +4.3%	0.02¢/lb +3.8%	0.01¢/lb +3.4%	0.01¢/lb + 2.9%	2.5%.
522.24	13.5% ad val	13.5%	13.5%	13.5%	13.5%	13.5%	13.5%	13.5%	13.5%.
522.41	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
522.45	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
522.61	$2.62 per ton	$2.29/ton	$1.96/ton	$1.64/ton	$1.31/ton	98¢/ton	65¢/ton	33¢/ton	Free.
522.64	$5.25 per ton	$2.10/ton	$2.10/ton	$2.10/ton	$2.10/ton	$2.10/ton	$2.10/ton	$2.10/ton	$2.10/ton.
522.71	2% ad val	2%	2%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%.
522.81	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
522.83	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
522.85	0.2¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	Free	Free	Free	Free.
523.37	12% ad val	9%	6%	4.8%	4.8%	4.8%	4.8%	4.8%	4.8%.
523.81	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
523.91	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
523.94	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 5, Part 2									
531.01	0.19¢ per lb	0.19¢/lb	0.18¢/lb	0.18¢/lb	0.17¢/lb	0.17¢/lb	0.17¢/lb	0.16¢/lb	0.16¢/lb.
531.11	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
531.21	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
531.24	0.19¢ per lb + 2.5% ad val.	0.16¢/lb. + 2.2%	0.14¢/lb. + 1.9%	0.11¢/lb. + 1.6%	0.09¢/lb. + 1.3%	0.07¢/lb. + 0.9%	0.05¢/lb. + 0.6%	0.02¢/lb. + 0.3%	Free.
531.33	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
531.35	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
531.37	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
531.39	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
532.14	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
532.21	24.5% ad val	23.9%	23.4%	22.8%	22.3%	21.7%	21.1%	20.6%	20%.
532.24	22.5% ad val	22.5%	22.5%	21.9%	21.3%	20.8%	20.2%	19.6%	19%.
532.27	24% ad val	24%	24%	23.3%	22.7%	22%	21.3%	20.7%	20%.
532.41	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
532.61	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
533.11	2.5 ad val	2.2%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free.
533.15	6% ad val	5.6%	5.1%	4.7%	4.3%	3.8%	3.4%	2.9%	2.5%.
533.20	48.7% ad val	47%	45.3%	43.6%	41.9%	40.1%	38.4%	36.7%	35%.
533.22	23.5% ad val	22%	20.5%	19%	17.5%	16%	14.5%	13%	11.5%.
533.24	11.4% ad val	10.5%	9.7%	8.8%	8%	7.1%	6.2%	5.4%	4.5%.
533.29	13.6% ad val	12.6%	11.6%	10.6%	9.6%	8.5%	7.5%	6.5%	5.5%.
533.32	13.6% ad val	12.6%	11.6%	10.6%	9.6%	8.5%	7.5%	6.5%	5.5%.
533.34	11.6% ad val	10.7%	9.8%	8.9%	8.1%	7.2%	6.3%	5.4%	4.5%.
533.39	23.5% ad val	22%	20.5%	19%	17.5%	16%	14.5%	13%	11.5%.
533.52	48.7% ad val	47%	45.3%	43.6%	41.9%	40.1%	38.4%	36.7%	35%.
533.54	17.5% ad val	16.3%	15.1%	13.9%	12.8%	11.6%	10.4%	9.2%	8%.
533.62	38.6% ad val	37%	35.5%	33.9%	32.3%	30.7%	29.2%	27.6%	26%.

533.64	18.4% ad val	17.1%	15.8%	14.5%	13.2%	11.9%	10.6%	9.3%	8%.
533.72	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
533.74	22.5% ad val	21.9%	21.3%	20.6%	20%	19.4%	18.8%	18.1%	17.5%.
533.76	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
533.78	18% ad val	16.8%	15.5%	14.3%	13%	11.8%	10.5%	9.3%	8%.
534.11	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
534.21	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
534.31	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
534.74	6% ad val	5.6%	5.1%	4.7%	4.3%	3.8%	3.4%	2.9%	2.5%.
534.76	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
534.81	6¢ per doz. pcs. + 17% ad val.	5.5¢/doz. pcs. + 15.8%.	5¢/doz. pcs. + 14.5%.	4.5¢/doz. pcs. + 13.3%.	4¢/doz. pcs. + 12%.	3.5¢/doz. pcs. + 10.8%.	3¢/doz. pcs. + 9.5%.	2.5¢/doz. pcs. + 8.3%.	2¢/doz. pcs. + 7%.
534.84	5¢ per doz. pcs. + 15% ad val.	4¢/doz. pcs + 14%.	4¢/doz. pcs + 13%.	3¢/doz. pcs + 12%.	2¢/doz. pcs + 11%.	2¢/doz. pcs + 10%.	1¢/doz. pcs + 9%.	8%	7%.
534.87	2¢/per doz. pcs. + 10% ad val.	1.7¢/doz. pcs + 9.6%.	1.5¢/doz. pcs + 9.3%.	1.2¢/doz. pcs + 8.9%.	1¢/doz. pcs + 8.5%.	0.7¢/doz. pcs + 8.1%.	0.5¢/doz. pcs + 7.7%.	0.2¢/doz. pcs + 7.4%.	7%.
534.91	12.5% ad val	11.6%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
534.94	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
534.97	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
535.11	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
535.12	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
535.14	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
535.21	30% ad val	27.8%	25.5%	23.3%	21%	18.8%	16.5%	14.3%	12%.
535.24	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
535.27	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
535.31	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
535.41	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
536.11	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
536.15	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
Schedule 5, Part 3									
540.11	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
540.13	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
540.14	2% ad val	1.8%	1.5%	1.3%	1%	0.8%	0.5%	0.3%	Free.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 5. Part 3— Continued									
540.32	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
540.37	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
540.41	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
540.43	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
540.51	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
540.55	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
540.61	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
540.63	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
540.65	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
540.67	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
540.71	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
541.11	0.3¢ per lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb	0.2¢/lb.
541.21	0.6¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb.
541.31	0.3¢ per lb. + 1% ad val.	0.2¢/lb. + 1%	0.2¢/lb. + 1%	0.2¢/lb. + 1%	0.2¢/lb. + 1%	0.2¢/lb. + 0.9%	0.2¢/lb. + 0.9%	0.2¢/lb. + 0.9%	0.2¢/lb. + 0.9%.
542.31	0.7¢ per lb	0.6¢/lb	0.6¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.4¢/lb	0.4¢/lb	0.4¢/lb.
542.33	0.9 per lb	0.8¢/lb	0.7¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.5¢/lb	0.4¢/lb	0.4¢/lb.
542.35	1.1¢ per lb	1¢/lb	0.9¢/lb	0.8¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.4¢/lg	0.4¢/lb.
542.37	1.4¢ per lb	1.3¢/lb	1.2¢/lb	1.1¢/lb	1¢/lb	0.9¢/lb	0.8¢/lb	0.7¢/lb	0.7¢/lb.
542.42	0.7¢ per lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb	0.5¢/lb.
542.44	0.9¢ per lb	0.8¢/lb	0.8¢/lb	0.7¢/lb	0.7¢/lb	0.6¢/lb	0.6¢/lb	0.5¢/lb	0.5¢/lb.
542.46	1.1¢ per lb	1¢/lb	0.9¢/lb	0.9¢/lb	0.8¢/lb	0.7¢/lb	0.7¢/lb	0.6¢/lb	0.6¢/lb.
542.48	1.4¢ per lb	1.3¢/lb	1.2¢/lb	1.1¢/lb	1¢/lb	0.9¢/lb	0.8¢/lb	0.7¢/lb	0.6¢/lb.
542.57	1.7¢/lb	1.6¢/lb	1.6¢/lb	1.6¢/lb	1.5¢/lb	1.5¢/lb	1.4¢/lb	1.4¢/lb	1.4¢/lb.
542.67	6¢/lb	5.7¢/lb	5.4¢/lb	5¢/lb	4.7¢/lb	4.4¢/lb	4.1¢/lb	3.8¢/lb	3.5¢/lb.
542.71	0.7¢ per lb. + 2.5% ad val.	0.6¢/lb + 2.4%	0.6¢/lb + 2.4%	0.6¢/lb + 2.3%	0.6¢/lb + 2.3%	0.6¢/lb + 2.2%	0.6¢/lb + 2.1%	0.6¢/lb + 2.1%	0.6¢/lb + 2%.
542.73	0.9¢ per lb. + 2.5% ad val.	0.8¢/lb + 2.4%	0.8¢/lb + 2.4%	0.8¢/lb + 2.3%	0.7¢/lb + 2.3%	0.7¢/lb + 2.2%	0.6¢/lb + 2.1%	0.6¢/lb + 2.1%	0.5¢/lb + 2%.
542.75	1.1¢ per lb. + 2.5% ad val.	1¢/lb + 2.4%	0.9¢/lb + 2.4%	0.9¢/lb + 2.3%	0.8¢/lb + 2.3%	0.7¢/lb + 2.2%	0.7¢/lb + 2.1%	0.6¢/lb + 2.1%	0.6¢/lb + 2%.
542.77	1.4¢ per lb. + 2.5% ad val.	1.3¢/lb + 2.4%	1.2¢/lb + 2.4%	1.1¢/lb + 2.3%	1¢/lb + 2.3%	0.9¢/lb + 2.2%	0.8¢/lb + 2.1%	0.7¢/lb + 2.1%	0.6¢/lb + 2%.
542.92	0.7¢ per lb. + 2.5% ad val.	0.6¢/lb + 2.4%	0.6¢/lb + 2.4%	0.6¢/lb + 2.3%	0.6¢/lb + 2.3%	0.6¢/lb + 2.2%	0.6¢/lb + 2.1%	0.6¢/lb + 2.1%	0.6¢/lb + 2%.

542.94	0.9¢ per lb. + 2.5% ad val.	0.8¢/lb + 2.4%	0.8¢/lb + 2.4%	0.8¢/lb + 2.3%	0.7¢/lb + 2.3%	0.7¢/lb + 2.2%	0.6¢/lb + 2.1%	0.6¢/lb + 2.1%	0.6¢/lb + 2%.
542.96	1.1¢ per lb. + 2.5% ad val.	1¢/lb + 2.4%	0.9¢/lb + 2.4%	0.9¢/lb + 2.3%	0.8¢/lb + 2.3%	0.7¢/lb + 2.2%	0.7¢/lb + 2.1%	0.6¢/lb + 2.1%	0.6¢/lb + 2%.
542.98	1.4¢ per lb. + 2.5% ad val.	1.3¢/lb + 2.4%	1.2¢/lb + 2.4%	1.1¢/lb + 2.3%	1¢/lb + 2.3%	0.9¢/lb + 2.2%	0.8¢/lb + 2.1%	0.7¢/lb + 2.1%	0.6¢/lb + 2%.
543.11	3.8¢ per sq. ft.	3.7¢/sq. ft.	3.6¢/sq. ft.	3.5¢/sq. ft.	3.4¢/sq. ft.	3.3¢/sq. ft.	3.2¢/sq. ft.	3.1¢/sq. ft.	3¢/sq. ft.
543.23	2.5¢ per sq. ft.	2.4¢/sq. ft.	2.4¢/sq. ft.	2.3¢/sq. ft.	2.2¢/sq. ft.	2.2¢/sq. ft.	2.1¢/sq. ft.	2.1¢/sq. ft.	2¢/sq. ft.
543.27	2.8¢ per sq. ft.	2.6¢/sq. ft.	2.4¢/sq. ft.	2.3¢/sq. ft.	2.1¢/sq. ft.	2¢/sq. ft.	1.8¢/sq. ft.	1.6¢/sq. ft.	1.5¢/sq. ft.
543.31	10.5% ad val.	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
543.61	1.7¢ per sq. ft. + 1% ad val.	1.4¢/sq. ft. + 0.9%.	1.3¢/sq. ft. + 0.8%.	1¢/sq. ft. + 0.6%.	0.8¢/sq. ft. + 0.5%.	0.6¢/sq. ft. + 0.4%.	0.4¢/sq. ft. + 0.3%.	0.2¢/sq. ft. + 0.1%.	Free.
543.63	2.5¢ per sq. ft. + 1% ad val.	2.3¢/sq. ft. + 0.9%.	2.1¢/sq. ft. + 0.9%.	1.9¢/sq. ft. + 0.8%.	1.7¢/sq. ft. + 0.7%.	1.5¢/sq. ft. + 0.6%.	1.3¢/sq. ft. + 0.6%.	1.1¢/sq. ft. + 0.5%.	1¢/sq. ft. + 0.4%.
543.67	2.8¢ per sq. ft. + 1% ad val.	2.6¢/sq. ft. + 0.9%.	2.4¢/sq. ft. + 0.9%.	2.3¢/sq. ft. + 0.8%.	2.1¢/sq. ft. + 0.7%.	2¢/sq. ft. + 0.6%.	1.8¢/sq. ft. + 0.6%.	1.6¢/sq. ft. + 0.5%.	1.5¢/sq. ft. + 0.4%.
543.69	11.5% ad val.	10.9%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%.
544.11	22% ad val.	19%	16%	13%	10%	8.8%	8.8%	8.8%	8.8%.
544.14	11.5% ad val.	10.9%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%.
544.16	15% ad val.	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
544.18	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
544.31	11% ad val.	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
544.41	9% ad val.	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
544.51	17.5% ad val.	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
544.61	11% ad val.	10.2%	9.4%	8.5%	7.7%	6.9%	6.1%	5.2%	4.4%.
544.64	15% ad val.	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
545.11	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
545.17	16% ad val.	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
545.21	11¢ per gross	9.6¢/gross	8.3¢/gross	6.9¢/gross	5.5¢/gross	4.1¢/gross	2.8¢/gross	1.4¢/gross	Free.
545.25	0.37¢ per lb	0.32¢/lb	0.27¢/lb	0.23¢/lb	0.18¢/lb	0.14¢/lb	0.09¢/lb	0.05¢/lb	Free.
545.27	0.2¢ per lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	Free	Free	Free	Free.
545.31[2]	4¢ each + 20% ad val.	3.7¢ each + 18.8%.	3.5¢ each + 17.6%.	3.2¢ each + 16.4%.	3¢ each + 15.2%	2.8¢ each + 14%	2.5¢ each + 12.8%.	2.3¢ each + 11.6%.	2¢ each + 10.4%.[2]
545.34	7¢ each + 20% ad val.	6.5¢ each + 18.5%.	5.9¢ each + 17%	5.4¢ each + 15.5%.	4.9¢ each + 14%	4.4¢ each + 12.5%.	3.8¢ each + 11%	3.3¢ each + 9.5%.	2.8¢ each + 8%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 545.31, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—1.8¢ each + 9.2%.

Effective with respect to articles entered on and after January 1, 1989—1.8¢ each + 8%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 5, Part 3— Continued									
545.35	10.5¢ each + 20% ad val.	9.7¢ each + 18.5%.	8.9¢ each + 17%	8.1¢ each + 15.5%.	7.2¢ each + 14%	6.4¢ each + 12.5%.	5.6¢ each + 11%	4.8¢ each + 9.5%.	4¢ each + 8%.
545.37	16.5¢ each + 20% ad val.	15¢ each + 18.5%.	13¢ each + 17%	12¢ each + 15.5%.	11¢ each + 14%	10¢ each + 12.5%.	8¢ each + 11%	7¢ each + 9.5%	6¢ each + 8%.
545.55	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
545.57	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
545.61	13% ad val	12.2%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%.
545.63	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
545.67	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
545.81	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
545.85	20% ad val	17%	14%	11%	8.2%	8.2%	8.2%	8.2%	8.2%.
545.87	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
546.20	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
546.21	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
546.23	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
546.25	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
546.30	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
546.47	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
546.52	50% ad val	48.5%	47%	45.5%	44%	42.5%	41%	39.5%	38%.
546.64	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
546.66	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
547.11	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
547.13	24% ad val	22.2%	20.4%	18.6%	16.8%	15%	13.2%	11.4%	9.6%.
547.15	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
547.21	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
547.31	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
547.37	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
547.41	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
547.43	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
547.53	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
547.55	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
548.01	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
548.03	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
548.05	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.

Schedule 6. Part 1

601.27	0.12¢ per lb. on manganese content.	Free	Free	Free	Free	Free	Free	Free	Free.
601.33	12¢ per lb. on molybdenum content.	11.6¢/lb. on molybdenum content.	11.3¢/lb. on molybdenum content.	10.9¢/lb. on molybdenum content.	10.5¢/lb. on molybdenum content.	10.1¢/lb. on molybdenum content.	9.8¢/lb. on molybdenum content.	9.4¢/lb. on molybdenum content.	9¢/lb. on molybdenum content.
601.54	25¢ per lb. on tungsten content.	17¢/lb. on tungsten content.	17¢/lb. on tungsten content.	17¢/lb. on tungsten content.	17¢/lb. on tungsten content.	17¢/lb. on tungsten content.	17¢/lb. on tungsten content.	17¢/lb. on tungsten content.	17¢/lb. on tungsten content.
602.20	0.67¢ per lb. on zinc content.	0.62¢/lb. on zinc content.	0.58¢/lb. on zinc content.	0.53¢/lb. on zinc content.	0.48¢/lb. on zinc content.	0.44¢/lb. on zinc content.	0.39¢/lb. on zinc content.	0.35¢/lb. on zinc content.	0.3¢/lb. on zinc content.
602.28	1¢ per lb. on copper content.	0.9¢/lb. on copper content.	0.9¢/lb. on copper content.	0.9¢/lb. on copper content.	0.9¢/lb. on copper content.	0.8¢/lb. on copper content.	0.8¢/lb. on copper content.	0.8¢/lb. on copper content.	0.8¢/lb. on copper content.
602.30	0.8¢ per lb. on copper content.	Free	Free	Free	Free	Free	Free	Free	Free.
603.15	37¢ per ton	36¢/ton	35¢/ton	34¢/ton	33¢/ton	33¢/ton	32¢/ton	31¢/ton	30¢/ton.
603.25	1.0625¢ per lb. on lead content.	1.04¢/lb. on lead content.	1.02¢/lb. on lead content.	1¢/lb. on lead content.	0.98¢/lb. on lead content.	0.96¢/lb. on lead content.	0.94¢/lb. on lead content.	0.92¢/lb. on lead content.	0.9¢/lb. on lead content.
603.30	0.75¢ per lb	0.73¢/lb	0.71¢/lb	0.69¢/lb	0.67¢/lb	0.66¢/lb	0.64¢/lb	0.62¢/lb	0.6¢/lb.
603.40	10¢ per lb. on molybdenum content + 3% ad val.	9.5¢/lb. on molybdenum content + 2.9%.	9¢/lb. on molybdenum content + 2.7%.	8.5¢/lb. on molybdenum content + 2.6%.	8¢/lb. on molybdenum content + 2.5%.	7.5¢/lb. on molybdenum content + 2.3%.	7¢/lb. on molybdenum content + 2.2%.	6.5¢/lb. on molybdenum content + 2%.	6¢/lb. on molybdenum content + 1.9%.
603.45	21¢ per lb. on tungsten content + 10% ad val.	16¢/lb. on tungsten content + 7.8%.	11¢/lb. on tungsten content + 5.2%.	10¢/lb. on tungsten content + 4.8%.	10¢/lb. on tungsten content + 4.8%.	10¢/lb. on tungsten content + 4.8%.	10¢/lb. on tungsten content + 4.8%.	10¢/lb. on tungsten content + 4.8%.	10¢/lb. on tungsten content + 4.8%.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 1—Continued									
603.49	1¢ per lb. on copper content + 0.75¢ per lb. on lead content + 0.67¢ per lb. on zinc content.	0.96¢/lb. on copper content + 0.72¢/lb. on lead content + 0.65¢/lb. on zinc content.	0.92¢/lb. on copper content + 0.69¢/lb. on lead content + 0.63¢/lb. on zinc content.	0.89¢/lb. on copper content + 0.66¢/lb. on lead content + 0.61¢/lb. on zinc content.	0.85¢/lb. on copper content + 0.62¢/lb. on lead content + 0.58¢/lb. on zinc content.	0.81¢/lb. on copper content + 0.59¢/lb. on lead content + 0.56¢/lb. on zinc content.	0.77¢/lb. on copper content + 0.56¢/lb. on lead content + 0.54¢/lb. on zinc content.	0.74¢/lb. on copper content + 0.53¢/lb. on lead content + 0.52¢/lb. on zinc content.	0.7¢/lb. on copper content + 0.5¢/lb. on lead content + 0.5¢/lb. on zinc content.
603.50	0.8¢ per lb. on copper content + 0.75¢ per lb. on lead content + 0.67¢ per lb. on zinc content.	0.74¢/lb. on copper content + 0.69¢/lb. on lead content + 0.62¢/lb. on zinc content.	0.68¢/lb. on copper content + 0.64¢/lb. on lead content + 0.58¢/lb. on zinc content.	0.62¢/lb. on copper content + 0.58¢/lb. on lead content + 0.53¢/lb. on zinc content.	0.56¢/lb. on copper content + 0.52¢/lb. on lead content + 0.48¢/lb. on zinc content.	0.5¢/lb. on copper content + 0.47¢/lb. on lead content + 0.44¢/lb. on zinc content.	0.44¢/lb. on copper content + 0.41¢/lb. on lead content + 0.39¢/lb. on zinc content.	0.38¢/lb. on copper content + 0.36¢/lb. on lead content + 0.35¢/lb. on zinc content.	0.32¢/lb. on copper content + 0.3¢/lb. on lead content + 0.3¢/lb. on zinc content.
603.54	1¢ per lb. on copper content + 0.75¢ per lb. on lead content + 0.67¢ per lb. on zinc content.	0.95¢/lb. on copper content + 0.71¢/lb. on lead content + 0.64¢/lb. on zinc content.	0.9¢/lb. on copper content + 0.66¢/lb. on lead content + 0.6¢/lb. on zinc content.	0.85¢/lb. on copper content + 0.62¢/lb. on lead content + 0.57¢/lb. on zinc content.	0.8¢/lb. on copper content + 0.57¢/lb. on lead content + 0.53¢/lb. on zinc content.	0.75¢/lb. on copper content + 0.53¢/lb. on lead content + 0.5¢/lb. on zinc content.	0.7¢/lb. on copper content + 0.49¢/lb. on lead content + 0.48¢/lb. on zinc content.	0.65¢/lb. on copper content + 0.44¢/lb. on lead content + 0.43¢/lb. on zinc content.	0.6¢/lb. on copper content + 0.4¢/lb. on lead content + 0.4¢/lb. on zinc content.
603.55	0.8¢ per lb. on copper content + 0.75¢ per lb. on lead content + 0.67¢ per lb. on zinc content.	0.7¢/lb. on copper content + 0.66¢/lb. on lead content + 0.59¢/lb. on zinc content.	0.6¢/lb. on copper content + 0.56¢/lb. on lead content + 0.5¢/lb. on zinc content.	0.5¢/lb. on copper content + 0.47¢/lb. on lead content + 0.42¢/lb. on zinc content.	0.4¢/lb. on copper content + 0.37¢/lb. on lead content + 0.33¢/lb. on zinc content.	0.3¢/lb. on copper content + 0.28¢/lb. on lead content + 0.25¢/lb. on zinc content.	0.2¢/lb. on copper content + 0.19¢/lb. on lead content + 0.17¢/lb. on zinc content.	0.1¢/lb. on copper content + 0.09¢/lb. on lead content + 0.08¢/lb. on zinc content.	Free.
603.70	7.5% ad val	7.2%	6.9%	6.6%	6.3%	5.9%	5.6%	5.3%	5%.

Schedule 6. Part 2									
605.03	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
605.05	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
605.06	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
605.08	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
605.27	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
605.28	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
605.46	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
605.47	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
605.48	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
605.60	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
605.65	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
606.11	0.1% ad val. + additional duties.	18¢ per ton + additional duties.	18¢ per ton + additional duties.	Free	Free	Free	Free	Free	Free.
606.19	1% ad val. + additional duties.	75¢/ton + additional duties.	75¢/ton + additional duties.	0.9% + additional duties.	0.9% + additional duties.	0.9% + additional duties.	0.9% + additional duties.	0.9% + additional duties.	0.9% + additional duties.
606.22	4% ad val	4%	4%	3.9%	3.7%	3.6%	3.4%	3.3%	3.1%.
606.26	2.7% ad val	0.3¢/lb. on manganese content + 2%.	0.3¢/lb. on manganese content + 2%.	2.6%	2.6%	2.5%	2.4%	2.4%	2.3%.
606.28	1.5% ad val	0.46¢/lb. on manganese content.	0.46¢/lb. on manganese content.	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%.
606.30	1.7% ad val	0.3¢/lb. on manganese content.	0.3¢/lb. on manganese content.	1.6%	1.6%	1.6%	1.5%	1.5%	1.5%.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
606.31	6.6% ad val	10¢/lb. on molybdenum content + 3%.	10¢/lb. on molybdenum content + 3%.	6.3%	5.9%	5.6%	5.2%	4.9%	4.5%.
606.33	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
606.36	1.7% ad val	0.5¢/lb. on silicon content.	0.5¢/lb. on silicon content.	1.1%	1.1%	1.1%	1.1%	1.1%	1.1%.
606.37	1.7% ad val	0.5¢/lb. on silicon content.	0.5¢/lb. on silicon content.	1.6%	1.6%	1.6%	1.6%	1.5%	1.5%.
606.39	2.2% ad val	1¢/lb. on silicon content.	1¢/lb. on silicon content.	1.9%	1.9%	1.9%	1.9%	1.9%	1.9%.
606.40	10% ad val	2¢/lb. on silicon content.	2¢/lb. on silicon content.	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
606.44	5.5% ad val	0.46¢/lb. on manganese content + 3.5%.	0.46¢/lb. on manganese content + 3.5%.	5.2%	5%	4.7%	4.4%	4.2%	3.9%.
606.46	5% ad val	5%	5%	4.8%	4.6%	4.4%	4.1%	3.9%	3.7%.
606.48	9.3% ad val	21¢/lb. on tungsten content + 6%.	21¢/lb. on tungsten content + 6%.	8.8%	8.2%	7.5%	6.9%	6.2%	5.6%.
606.50	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
606.51	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
606.57	31¢ per ton + additional duties.	31¢/ton + additional duties.	31¢/ton + additional duties.	25¢/ton + additional duties.	20¢/ton + additional duties.	15¢/ton + additional duties.	10¢/ton + additional duties.	5¢/ton + additional duties.	Free.
606.59	0.3¢ per lb	0.3¢/lb	0.3¢/lb	0.25¢/lb	0.2¢/lb	0.15¢/lb	0.1¢/lb	0.05¢/lb	Free.
606.62	9.5% ad val	9.5%	9.5%	8.6%	7.7%	6.8%	5.8%	4.9%	4%.
606.64	1.1% ad val	0.3¢/lb	0.3¢/lb	1%	1%	1%	1%	1%	1%.
606.67	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
606.69	8% ad val. + additional duties.	8% + additional duties.	8% + additional duties.	7.5% + additional duties.	7% + additional duties.	6.6% + additional duties.	6.1% + additional duties.	5.6% + additional duties.	5.1% + additional duties.
606.71	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.

606.73	8% ad val. + additional duties.	8% + additional duties.	8% + additional duties.	7.3% + additional duties.	6.7% + additional duties.	6% + additional duties.	5.3% + additional duties.	4.7% + additional duties.	4% + additional duties.
606.75	2.4% ad val	0.5¢/lb	0.5¢/lb	2.3%	2.3%	2.2%	2.1%	2.1%	2%.
606.77	2.8% ad val. + additional duties.	0.5¢/lb + 2% + additional duties.	0.5¢/lb + 2% + additional duties.	2.7% + additional duties.	2.6% + additional duties.	2.6% + additional duties.	2.5% + additional duties.	2.4% + additional duties.	2.3% + additional duties.
606.79	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
606.81	9.5% ad val. + additional duties.	9.5% + additional duties.	9.5% + additional duties.	8.9% + additional duties.	8.2% + additional duties.	7.6% + additional duties.	7% + additional duties.	6.3% + additional duties.	5.7% + additional duties.
606.83	7% ad val	7%	7%	6.6%	6.2%	5.9%	5.5%	5.1%	4.7%.
606.86	8% ad val	8%	8%	7.2%	6.4%	5.6%	4.8%	4%	3.2%.
606.88	8.5% ad val	8.5%	8.5%	8.3%	8.2%	8%	7.8%	7.7%	7.5%.
606.91	10.5% ad val. + additional duties.	10.5% + additional duties.	10.5% + additional duties.	9.8% + additional duties.	9% + additional duties.	8.3% + additional duties.	7.5% + additional duties.	6.8% + additional duties.	6% + additional duties.
606.93	10.5% ad val. + additional duties.	10.5% + additional duties.	10.5% + additional duties.	9.8% + additional duties.	9% + additional duties.	8.3% + additional duties.	7.5% + additional duties.	6.8% + additional duties.	6% + additional duties.
606.97	10.5% ad val. + additional duties.	10.5% + additional duties.	10.5% + additional duties.	9.8% + additional duties.	9% + additional duties.	8.3% + additional duties.	7.5% + additional duties.	6.8% + additional duties.	6% + additional duties.
606.99	10.5% ad val. + additional duties.	10.5% + additional duties.	10.5% + additional duties.	10% + additional duties.	9.5% + additional duties.	9% + additional duties.	8.5% + additional duties.	8% + additional duties.	7.5% + additional duties.
607.05	8.5% ad val	0.18¢/lb. + 5%	0.18¢/lb. + 5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
607.07	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
607.08	9.5% ad val. + additional duties.	9.5% + additional duties.	9.5% + additional duties.	8.9% + additional duties.	8.2% + additional duties.	7.6% + additional duties.	7% + additional duties.	6.3% + additional duties.	5.7% + additional duties.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
607.14	1.5% ad val	0.1¢/lb	0.1¢/lb	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%.
607.17	2.2% ad val	0.25¢/lb	0.25¢/lb	2%	2%	2%	1.9%	1.9%	1.9%.
607.22	9.9% ad val	0.2¢/lb	0.2¢/lb	9.2%	8.5%	7.9%	7.2%	6.5%	5.8%.
607.23	2.7% ad val	0.375¢/lb	0.375¢/lb	2.3%	2.3%	2.3%	2.3%	2.3%	2.3%.
607.32	5% ad val. + additional duties.	0.25¢/lb + 4% + additional duties.	0.25¢/lb + 4% + additional duties.	4.5% + additional duties.	4% + additional duties.	3.5% + additional duties.	3% + additional duties.	2.5% + additional duties.	2% + additional duties.
607.41	5.5% ad val. + additional duties.	0.25¢/lb + 4% + additional duties.	0.25¢/lb + 4% + additional duties.	5.3% + additional duties.	5.2% + additional duties.	5% + additional duties.	4.8% + additional duties.	4.7% + additional duties.	4.5% + additional duties.
607.48	5.7% ad val. + additional duties.	0.375¢/lb + 4% + additional duties.	0.375¢/lb + 4% + additional duties.	5.4% + additional duties.	5.2% + additional duties.	4.9% + additional duties.	4.6% + additional duties.	4.4% + additional duties.	4.1% + additional duties.
607.50	5.8% ad val. + additional duties.	0.375¢/lb + 4% + additional duties.	0.375¢/lb + 4% + additional duties.	5.4% + additional duties.	5.2% + additional duties.	5% + additional duties.	4.9% + additional duties.	4.7% + additional duties.	4.5% + additional duties.
607.62	9% ad val	9%	9%	8.4%	7.8%	7.3%	6.7%	6.1%	5.5%.
607.64	8% ad val	8%	8%	7.2%	6.4%	5.6%	4.8%	4%	3.2%.
607.66	7.5% ad val	7.5%	7.5%	7.3%	7%	6.8%	6.5%	6.3%	6%.
607.67	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
607.69	9.5% ad val. + additional duties.	9.5% + additional duties.	9.5% + additional duties.	8.6% + additional duties.	7.6% + additional duties.	6.7% + additional duties.	5.7% + additional duties.	4.8% + additional duties.	3.8% + additional duties.
607.76	9.5% ad val. + additional duties.	9.5% + additional duties.	9.5% + additional duties.	8.6% + additional duties.	7.6% + additional duties.	6.7% + additional duties.	5.7% + additional duties.	4.8% + additional duties.	3.8% + additional duties.
607.83	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
607.86	10% ad val. + additional duties.	10% + additional duties.	10% + additional duties.	9% + additional duties.	8% + additional duties.	7% + additional duties.	6% + additional duties.	5% + additional duties.	4% + additional duties.

907.91	10% ad val. + additional duties.	10% + additional duties.	10% + additional duties.	9.3% + additional duties.	8.6% + additional duties.	7.9% + additional duties.	7.2% + additional duties.	6.5% + additional duties.	5.8% + additional duties.
907.92	10% ad val. + additional duties.	10% + additional duties.	10% + additional duties.	9.3% + additional duties.	8.6% + additional duties.	7.9% + additional duties.	7.2% + additional duties.	6.5% + additional duties.	5.8% + additional duties.
907.93	10% ad val. + additional duties.	10% + additional duties.	10% + additional duties.	9% + additional duties.	8% + additional duties.	7% + additional duties.	6% + additional duties.	5% + additional duties.	4% + additional duties.
907.94	12% ad val	12%	12%	11.1%	10.2%	9.3%	8.3%	7.4%	6.5%.
907.97	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
907.98	4.6% ad val	0.8¢/lb	0.8¢/lb	4.1%	4%	3.9%	3.7%	3.6%	3.5%.
908.01	5.6% ad val	0.9¢/lb	0.9¢/lb	5.3%	5.1%	4.8%	4.5%	4.3%	4%.
908.07	9% ad val	9%	9%	8.4%	7.8%	7.3%	6.7%	6.1%	5.5%.
908.11	8.7% ad val	0.1¢/lb. + 8%	0.1¢/lb. + 8%	8.2%	7.6%	7.1%	6.5%	6%	5.4%
908.13	8.8% ad val	0.1¢/lb. + 8%	0.1¢/lb. + 8%	8.3%	7.9%	7.6%	7.2%	6.9%	6.5%.
908.14	11% ad val. + additional duties.	11% + additional duties.	11% + additional duties.	10.2% + additional duties.	9.4% + additional duties.	8.6% + additional duties.	7.8% + additional duties.	7% + additional duties.	6.2% + additional duties.
908.10	6% ad val	6%	6%	5.4%	4.8%	4.2%	3.6%	3%	2.4%.
908.21	8.5% ad val	8.5%	8.5%	7.7%	6.8%	6%	5.1%	4.3%	3.4%.
908.23	9.5% ad val	9.5%	9.5%	8.9%	8.2%	7.6%	7%	6.3%	5.7%.
908.28	8% ad val. + additional duties.	8% + additional duties.	8% + additional duties.	7.5% + additional duties.	7% + additional duties.	6.6% + additional duties.	6.1% + additional duties.	5.6% + additional duties.	5.7% + additional duties.
908.31	8% ad val. + additional duties.	8% + additional duties.	8% + additional duties.	7.9% + additional duties.	7% + additional duties.	6.6% + additional duties.	6.1% + additional duties.	5.6% + additional duties.	5.1% + additional duties.
908.35	8% ad val. + additional duties.	8% + additional duties.	8% + additional duties.	7.5% + additional duties.	7% + additional duties.	6.6% + additional duties.	6.1% + additional duties.	5.6% + additional duties.	5.1% + additional duties.
908.38	10.5% ad val. + additional duties.	10.5% + additional duties.	10.5% + additional duties.	9.9% + additional duties.	9.3% + additional duties.	8.8% + additional duties.	8.2% + additional duties.	7.6% + additional duties.	7% + additional duties.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
608.47	10.9% ad val. + additional duties.	10.9% + additional duties.	10.9% + additional duties.	9.8% + additional duties.	9% + additional duties.	8.3% + additional duties.	7.3% + additional duties.	6.6% + additional duties.	6% + additional duties.
608.55	10.5% ad val. + additional duties.	10.5% + additional duties.	10.5% + additional duties.	9.8% + additional duties.	9% + additional duties.	8.3% + additional duties.	7.5% + additional duties.	6.8% + additional duties.	6% + additional duties.
608.59	11.5% ad val. + additional duties.	11.5% + additional duties.	11.5% + additional duties.	10.6% + additional duties.	9.8% + additional duties.	8.9% + additional duties.	8% + additional duties.	7.2% + additional duties.	6.3% + additional duties.
608.87	11.5% ad val. + additional duties.	11.5% + additional duties.	11.5% + additional duties.	10.6% + additional duties.	9.8% + additional duties.	8.9% + additional duties.	8% + additional duties.	7.2% + additional duties.	6.3% + additional duties.
609.14	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
609.15	10% ad val. + additional duties.	10% + additional duties.	10% + additional duties.	9.3% + additional duties.	8.6% + additional duties.	7.9% + additional duties.	7.2% + additional duties.	6.5% + additional duties.	5.8% + additional duties.
609.17	9.5% ad val	9.5%	9.5%	8.9%	8.2%	7.6%	7%	6.3%	5.7%.
609.20	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
609.21	8% ad val	8%	8%	7.2%	6.4%	5.6%	4.8%	4%	3.2%
609.22	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
609.25	6.1% ad val	0.06¢/lb. + 6%	0.06¢/lb. + 6%	5.8%	5.5%	5.2%	4.8%	4.5%	4.2%.
609.28	8.2% ad val	0.06¢/lb. + 8%	0.06¢/lb. + 8%	7.7%	7.2%	6.7%	6.2%	5.7%	5.2%.
609.30	8% ad val. + additional duties.	8% + additional duties.	8% + additional duties.	7.2% + additional duties.	6.4% + additional duties.	5.6% + additional duties.	4.8% + additional duties.	4% + additional duties.	3.2% + additional duties.
609.33	10% ad val. + additional duties.	10% + additional duties.	10% + additional duties.	9.3% + additional duties.	8.6% + additional duties.	7.9% + additional duties.	7.2% + additional duties.	6.5% + additional duties.	5.8% + additional duties.
609.36	8.2% ad val. + additional duties.	0.06¢/lb. + 8% + additional duties.	0.06¢/lb. + 8% + additional duties.	7.7% + additional duties.	7.2% + additional duties.	6.7% + additional duties.	6.2% + additional duties.	5.7% + additional duties.	5.2% + additional duties.

909.36	10.2% ad val. + additional duties.	0.05¢/lb. + 10% + additional duties.	0.05¢/lb. + 10% + additional duties.	9.5% + additional duties.	8.8% + additional duties.	8.1% + additional duties.	7.3% + additional duties.	6.6% + additional duties.	5.9% + additional duties.
909.37	10.6% ad val. + additional duties.	0.05¢/lb. + 10% + additional duties.	0.05¢/lb. + 10% + additional duties.	9.8% + additional duties.	9.1% + additional duties.	8.3% + additional duties.	7.5% + additional duties.	6.8% + additional duties.	6% + additional duties.
909.40	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
909.41	1.7% ad val	0.3¢/lb	0.3¢/lb	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%.
909.43	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
909.45	10.5% ad val. + additional duties.	10.5% + additional duties.	10.5% + additional duties.	10.3% + additional duties.	10% + additional duties.	9.8% + additional duties.	9.5% + additional duties.	9.3% + additional duties.	9% + additional duties.
909.70	9% ad val	9%	9%	8.4%	7.8%	7.3%	6.7%	6.1%	5.5%.
909.72	9.2% ad val	0.05¢/lb. + 9%	0.05¢/lb. + 9%	8.6%	8%	7.4%	6.8%	6.2%	5.6%.
909.75	11% ad val. + additional duties.	11% + additional duties.	11% + additional duties.	10.2% + additional duties.	9.4% + additional duties.	8.6% + additional duties.	7.8% + additional duties.	7% + additional duties.	6.2% + additional duties.
909.76	11% ad val. + additional duties.	0.05¢/lb. + 11% + additional duties.	0.05¢/lb. + 11% + additional duties.	10.2% + additional duties.	9.4% + additional duties.	8.6% + additional duties.	7.8% + additional duties.	7% + additional duties.	62.% + additional duties.
909.80	1% ad val	0.1¢/lb	0.1¢/lb.	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
909.82	2.4% ad val. + additional duties.	0.1¢/lb. + 2% + additional duties.	0.1¢/lb. +2% + additional duties.	2.3% + additional duties.	2.3% + additional duties.	2.2% + additional duties.	2.1% + additional duties.	2.1% + additional duties.	2% + additional duties.
909.84	6.5% ad val	6.5%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%	4.4%.
909.86	8.5% ad val. + additional duties.	8.5% + additional duties.	8.5% + additional duties.	8% + additional duties.	7.4% + additional duties.	6.9% + additional duties.	6.4% + additional duties.	5.8% + additional duties.	5.3% + additional duties.
909.88	7.5% ad val	7.5%	7.5%	7.1%	6.6%	6.2%	5.8%	5.3%	4.9%.
909.90	9.5% ad val. + additional duties.	9.5% + additional duties.	9.5% + additional duties.	8.9% + additional duties.	8.2% + additional duties.	7.6% + additional duties.	7% + additional duties.	6.3% + additional duties.	5.7% + additional duties.
909.95	0.9% ad val	0.1¢/lb	0.1¢/lb	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%.
909.98	2% ad val. + additional duties.	0.1¢/lb. + 2% + additional duties.	0.1¢/lb. + 2% + additional duties.	1.9% + additional duties.	1.9% + additional duties.	1.9% + additional duties.	1.9% + additional duties.	1.8% + additional duties.	1.8% + additional duties.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II [2]	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
610.20	0.6% ad val	0.05¢/lb	0.05¢/lb	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%.
610.21	4.6% ad val. + additional duties.	0.05¢/lb. + 4% + additional duties.	0.05¢/lb. + 4% + additional duties.	4.4% + additional duties.	4.2% + additional duties.	4.1% + additional duties.	3.9% + additional duties.	3.7% + additional duties.	3.5% + additional duties.
610.25	1% ad val	0.125¢/lb	0.125¢/lb	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
610.28	4% ad val. + additional duties.	0.125¢/lb. + 4% + additional duties.	0.125¢/lb. + 4% + additional duties.	3.9% + additional duties.	3.7% + additional duties.	3.6% + additional duties.	3.4% + additional duties.	3.3% + additional duties.	3.1% + additional duties.
610.30	6.5% ad val	0.875¢/lb	0.875¢/lb	6.2%	5.8%	5.5%	5.2%	4.8%	4.5%.
610.31	3.2% ad val	0.625¢/lb	0.625¢/lb	3.1%	3%	2.9%	2.8%	2.7%	2.6%.
610.32	2.2% ad val	0.3¢/lb	0.3¢/lb	1.9%	1.9%	1.9%	1.9%	1.9%	1.9%.
610.35	5% ad val. + additional duties.	0.875¢/lb. +4% + additional duties.	0.875¢/lb. + 4% + additional duties.	4.8% + additional duties.	4.6% + additional duties.	4.4% + additional duties.	4.1% + additional duties.	3.9% + additional duties.	3.7% + additional duties.
610.36	4.6% ad val. + additional duties.	0.625¢/lb. + 4% + additional duties.	0.625¢/lb + 4% + additional duties.	4.4% + additional duties.	4.2% + additional duties.	4.1% + additional duties.	3.9% + additional duties.	3.7% + additional duties.	3.5% + additional duties.
610.37	4.9% ad val. + additional duties.	4.9% + additional duties.	4.9% + additional duties.	4.9% + additional duties.	4.9% + additional duties.	4.9% + additional duties.	4.9% + additional duties.	4.9% + additional duties.	4.9% + additional duties.
610.39	0.6% ad val	0.1¢/lb	0.1¢/lb	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%.
610.40	4.3% ad val. + additional duties.	0.1¢/lb. + 4% + additional duties.	0.1¢/lb. + 4% + additional duties.	4.1% + additional duties.	4% + additional duties.	3.8% + additional duties.	3.6% + additional duties.	3.5% + additional duties.	3.3% + additional duties.
610.42	7.5% ad val	7.5%	7.5%	7.3%	7%	6.8%	6.5%	6.3%	6%.
610.43	11% ad val. + additional duties.	11% + additional duties.	11% + additional duties.	10.2% + additional duties.	9.4% + additional duties.	8.6% + additional duties.	7.8% + additional duties.	7% + additional duties.	6.2% + additional duties.
610.45	11% ad val	11%	11%	10.2%	9.4%	8.6%	7.8%	7%	6.2%.
610.46	13% ad val. + additional duties.	13% + additional duties.	13% + additional duties.	12% + additional duties.	10.9% + additional duties.	9.9% + additional duties.	8.8% + additional duties.	7.8% + additional duties.	6.7% + additional duties.
610.48	11% ad val	11%	11%	10.2%	9.4%	8.6%	7.8%	7%	6.2%.
610.49	10.5% ad val	10.5%	10.5%	10.1%	9.7%	9.3%	8.8%	8.4%	8%.

610.51	13% ad val. + additional duties.	13% + additional duties.	13% + additional duties.	12.1% + additional duties.	11.2% + additional duties.	10.3% + additional duties.	9.3% + additional duties.	8.4% + additional duties.	7.5% + additional duties.
610.52	13% ad val. + additional duties	13% + additional duties.	13% + additional duties.	12.1% + additional duties.	11.2% + additional duties.	10.3% + additional duties.	9.3% + additional duties.	8.4% + additional duties.	7.5% + additional duties.
610.56	10% ad val	10%	10%	9%	8%	7%	6%	5%	4%.
610.58	12% ad val. + additional duties.	12% + additional duties.	12% + additional duties.	11.1% + additional duties.	10.2 + additional duties.	9.3% + additional duties.	8.3% + additional duties.	7.4% + additional duties.	6.5% + additional duties.
610.62	10% ad val	10%	10%	9.3%	8.6%	7.9%	7.2%	6.5%	5.8%.
610.63	12% ad val. + additional duties.	12% + additional duties.	12% + additional duties.	11.1% + additional duties.	10.2% + additional duties.	9.3% + additional duties.	8.3% + additional duties.	7.4% + additional duties.	6.5% + additional duties.
610.65	3% ad val	3%	3%	2.9%	2.8%	2.8%	2.7%	2.6%	2.5%.
610.66	5% ad val. + additional duties.	5% + additional duties.	5% + additional duties.	4.8% + additional duties.	4.6% + additional duties.	4.4% + additional duties.	4.1% + additional duties.	3.9% + additional duties.	3.7% + additional duties.
610.70	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
610.71	10% ad val. + additional duties.	10% + additional duties.	10% + additional duties.	9.3% + additional duties.	8.6% + additional duties.	7.9% + additional duties.	7.2% + additional duties.	6.5% + additional duties.	5.8% + additional duties.
610.74	11% ad val	11%	11%	10.2%	9.4%	8.6%	7.8%	7%	6.2%.
610.80	11% ad val	11%	11%	10.2%	9.4%	8.6%	7.8%	7%	6.2%.
612.02A	1.7% ad val. on the value of the copper content.	1.7% on the value of the copper content.	1.7% on the value of the copper content.	1.7% on the value of the copper content.	1.7% on the value of the copper content.	1.7% on the value of the copper content.	1.7% on the value of the copper content.	1.7% on the value of the copper content.	1.7% on the value of the copper content.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] The letter "A" or "B" following an item number in this column is for purposes of identifying the staged rate of duty to be inserted in column 1–a or column 1–b, as the case may be, of the corresponding item in the Tariff Schedules of the United States.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II[2]	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
612.03A	1.4% ad val. on the value of the copper content.	1.3% on the value of the copper content.	1.3% on the value of the copper content.	1.3% on the value of the copper content.	1.2% on the value of the copper content.	1.2% on the value of the copper content.	1.1% on the value of the copper content.	1.1% on the value of the copper content.	1% on the value of the copper content.
612.03B	1¢ per lb. on 99.6% of the copper content.	0.96¢/lb. on 99.6% of the copper content.	0.92¢/lb. on 99.6% of the copper content.	0.88¢/lb. on 99.6% of the copper content.	0.85¢/lb. on 99.6% of the copper content.	0.81¢/lb. on 99.6% of the copper content.	0.77¢/lb. on 99.6% of the copper content.	0.73¢/lb. on 99.6% of the copper content.	0.7¢/lb. on 99.6% of the copper content.
612.05A	6.8% ad val.	6.5%	6.3%	6%	5.7%	5.4%	5.2%	4.9%	4.6%.
612.05B	1¢ per lb. on copper content + 5% ad val.	0.9¢/lb. on copper content + 4.8%.	0.9¢/lb. on copper content + 4.6%.	0.9¢/lb. on copper content + 4.4%.	0.8¢/lb. on copper content + 4.3%.	0.8¢/lb. on copper content + 4.1%.	0.8¢/lb. on copper content + 3.9%.	0.7¢/lb. on copper content + 3.7%.	0.7¢/lb. on copper content + 3.5%.
612.06A	1.3% ad val.	1%	1%	1%	1%	1%	1%	1%	1%.
612.06B	1¢ per lb. on copper content.	0.75¢/lb. on copper content.	0.75¢/lb. on copper content.	0.75¢/lb. on copper content.	0.75¢/lb. on copper content.	0.75¢/lb. on copper content.	0.75¢/lb. on copper content.	0.75¢/lb. on copper content.	0.75¢/lb. on copper content.
612.08A	6% ad val.	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
612.08B	1¢ per lb. on 99.6% of the copper content + 5% ad val.	0.9¢/lb. on 99.6% of the copper content + 4.6%.	0.8¢/lb. on 99.6% of the copper content + 4.3%.	0.7¢/lb. on 99.6% of the copper content + 3.9%.	0.7¢/lb. on 99.6% of the copper content + 3.5%.	0.6¢/lb. on 99.6% of the copper content + 3.1%.	0.5¢/lb. on 99.6% of the copper content + 2.8%.	0.4¢/lb. on 99.6% of the copper content + 2.4%.	0.4¢/lb. on 99.6% of the copper content + 2%.
612.10A	1.5% ad val.	1.3%	1.1%	0.9%	0.8%	0.6%	0.4%	0.2%	Free.
612.10B	1¢ per lb. on 99.6% of the copper content.	0.9¢/lb. on 99.6% of the copper content.	0.8¢/lb. on 99.6% of the copper content.	0.7¢/lb. on 99.6% of the copper content.	0.7¢/lb. on 99.6% of the copper content.	0.6¢/lb. on 99.6% of the copper content.	0.5¢/lb. on 99.6% of the copper content.	0.4¢/lb. on 99.6% of the copper content.	0.4¢/lb. on 99.6% of the copper content.
612.15A	2.6% ad val.	2.6%	2.6%	2.6%	2.6%	2.6%	2.6%	2.6%	2.6%.
612.17A	0.6¢ per lb. + 6% ad val.	0.5¢/lb. + 6%	0.4¢/lb. + 6%	0.3¢/lb. + 6%	0.2¢/lb. + 6%	0.1¢/lb. + 6%	6%	5.7%	5.3%.
612.17B	0.75¢ per lb. + 6% ad val.	0.7¢/lb. + 5.7%	0.6¢/lb. + 5.4%	0.6¢/lb. + 5.1%	0.6¢/lb. + 4.8%	0.6¢/lb. + 4.4%	0.5¢/lb. + 4.1%	0.5¢/lb. + 3.8%	0.5¢/lb. + 3.5%.
612.20A	10.6% ad val.	10%	9.5%	8.9%	8.3%	7.7%	7.2%	6.6%	6%.

612.20B	0.75¢ per lb. + 10% ad val.	0.7¢/lb. + 9.4%	0.6¢/lb. + 8.9%	0.6¢/lb. + 8.3%	0.5¢/lb. + 7.8%	0.5¢/lb. + 7.2%	0.5¢/lb. + 6.6%	0.4¢/lb. + 6.1%	0.4¢/lb. + 5.5%.
612.30A	12.8% ad val.	12%	11.3%	10.5%	9.8%	9%	8.2%	7.5%	6.7%.
612.30B	0.75¢ per lb. + 12% ad val.	0.7¢/lb. + 11.3%	0.6¢/lb. + 10.6%	0.6¢/lb. + 9.9%	0.5¢/lb. + 9.3%	0.5¢/lb. + 8.6%	0.4¢/lb. + 7.9%	0.4¢/lb. + 7.2%	0.4¢/lb. + 6.5%.
612.31A	1.6% ad val.	1.5%	1.5%	1.4%	1.3%	1.2%	1.2%	1.1%	1%.
612.31B	1.625¢ per lb	1.5¢/lb	1.4¢/lb	1.4¢/lb	1.3¢/lb	1.2¢/lb	1.1¢/lb	1¢/lb	1¢/lb.
612.32A	11.7% ad val.	10.8%	10%	9.1%	8.2%	7.3%	6.5%	5.6%	4.7%.
612.32B	0.75¢ per lb. + 11% ad val.	0.6¢/lb. + 10.2%	0.6¢/lb. + 9.4%	0.5¢/lb. + 8.6%	0.5¢/lb. + 7.8%	0.4¢/lb. + 6.9%	0.4¢/lb. + 6.1%	0.3¢/lb. + 5.3%	0.3¢/lb. + 4.5%.
612.34A	12.3% ad val.	11.6%	10.9%	10.1%	9.4%	8.7%	8%	7.2%	6.5%.
612.34B	0.75¢ per lb. + 12% ad val.	0.7¢/lb. + 11.3%	0.6¢/lb. + 10.6%	06.¢/lb. + 9.9%	0.5¢/lb. + 9.3%	0.5¢/lb. + 8.6%	0.4¢/lb. + 7.9%	0.4¢/lb. + 7.2%	0.4¢/lb. + 6.5%.
612.35A	15.4% ad val.	14.3%	13.1%	12%	10.8%	9.7%	8.5%	7.4%	6.2%.
612.35B	1¢ per lb. on copper content + 15% ad val.	0.9¢/lb on copper content + 13.9%.	0.8¢/lb on copper content + 12.8%.	0.7¢/lb on copper content + 11.6%.	0.7¢/lb on copper content + 10.5%.	0.6¢/lb on copper content + 9.4%.	0.5¢/lb on copper content + 8.3%.	0.4¢/lb on copper content + 7.1%.	0.4¢/lb on copper content + 6%.
612.36A	11.1% ad val.	10.5%	9.9%	9.3%	8.7%	8%	7.4%	6.8%	6.2%.
612.36B	0.75¢ per lb. + 11% ad val.	0.7¢/lb. + 10.4%	0.6¢/lb. + 9.8%	0.6¢/lb. + 9.1%	0.5¢/lb. + 8.5%	0.5¢/lb. + 7.9%	0.5¢/lb. + 7.2%	0.4¢/lb. + 6.6%	0.4¢/lb. + 6%.
612.38A	12.7% ad val.	12%	11.2%	10.5%	9.7%	9%	8.2%	7.5%	6.7%.
612.38B	0.75¢ per lb. + 12% ad val.	0.7¢/lb. + 11.3%	0.6¢/lb. + 10.6%	0.6¢/lb. + 9.9%	0.5¢/lb. + 9.3%	0.5¢/lb. + 8.6%	0.4¢/lb. + 7.9%	0.4¢/lb. + 7.2%	0.4¢/lb. + 6.5%.
612.39A	2.2% ad val.	2%	2%	2%	2%	1.9%	1.9%	1.9%	1.9%.
612.39B	1¢ per lb. on copper content + 1¢ per lb.	0.9¢/lb. on copper content + 0.9/lb.	0.9¢/lb on copper content + 0.9/lb.	0.9¢/lb on copper content + 0.9/lb.	0.9¢/lb on copper content + 0.9/lb.	0.9¢/lb on copper content + 0.9/lb.	0.9¢/lb on copper content + 0.9/lb.	0.9¢/lb on copper content + 0.9/lb.	0.9¢/lb on copper content + 0.9/lb.
612.40A	12.9% ad val.	12.1%	11.4%	10.6%	9.8%	9%	8.3%	7.5%	6.7%.
612.40B	0.75¢ per lb. + 12% ad val.	0.7¢/lb. + 11.3%	0.6¢/lb. + 10.5%	0.6¢/lb. + 9.8%	0.5¢/lb. + 9%	0.5¢/lb. + 8.2%	0.4¢/lb. + 7.5%	0.4¢/lb. + 6.8%	0.4¢/lb. + 6%.
612.41A	11.3% ad val.	10.7%	10.1%	9.4%	8.8%	8.2%	7.6%	6.9%	6.3%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] The letter "A" or "B" following an item number in this column is for purposes of identifying the staged rate of duty to be inserted in column 1–a or column 1–b, as the case may be, of the corresponding item in the Tariff Schedules of the United States.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II [2]	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
612.41B	0.75¢ per lb. + 11% ad val.	0.7¢/lb. + 10.4%	0.6¢/lb. + 9.8%	0.6¢/lb. + 9.1%	0.5¢/lb. + 8.5%	0.5¢/lb. + 7.9%	0.4¢/lb. + 7.2%	0.4¢/lb. + 6.6%	0.4¢/lb. + 6%.
612.43A	12.7% ad val	12%	11.2%	10.5%	9.7%	9%	8.2%	7.5%	6.7%.
612.43B	0.75¢ per lb. + 12% ad val.	0.7¢/lb. + 11.3%	0.6¢/lb. + 10.6%	0.6¢/lb. + 9.9%	0.5¢/lb. + 9.3%	0.5¢/lb. + 8.6%	0.4¢/lb. + 7.9%	0.4¢/lb. + 7.2%	0.4¢/lb. + 6.5%.
612.44A	1.9% ad val	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%.
612.44B	1¢ per lb. on copper content + 1¢ per lb.	0.9¢/lb on copper content + 0.9¢/lb.	0.9¢/lb on copper content + 0.9¢/lb.	0.9¢/lb on copper content + 0.9¢/lb.	0.9¢/lb on copper content + 0.9¢/lb.	0.9¢/lb on copper content + 0.9¢/lb.	0.9¢/lb on copper content + 0.9¢/lb.	0.9¢/lb on copper content + 0.9¢/lb.	0.9¢/lb on copper content + 0.9¢/lb.
612.45A	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
612.45B	0.75¢ per lb. + 7.5% ad val.	0.7¢/lb. + 7.2%	0.6¢/lb. + 6.9%	0.6¢/lb. + 6.6%	0.6¢/lb. + 6.3%	0.5¢/lb. + 5.9%	0.5¢/lb. + 5.6%	0.5¢/lb. + 5.3%	0.5¢/lb. + 5%.
612.50A	11.4% ad val	10.8%	10.1%	9.5%	8.9%	8.2%	7.6%	6.9%	6.3%.
612.50B	0.75¢ per lb. + 11% ad val.	0.7¢/lb. + 10.4%	0.6¢/lb. + 9.8%	0.6¢/lb. + 9.1%	0.5¢/lb. + 8.5%	0.5¢/lb. + 7.9%	0.4¢/lb. + 7.3%	0.4¢/lb. + 6.6%	0.4¢/lb. + 6%.
612.52A	8.2% ad val	7.8%	7.5%	7.1%	6.7%	6.3%	6%	5.6%	5.2%.
612.52 B	0.75¢ per lb. + 7.5% ad val.	0.7¢/lb. + 7.1%	0.6¢/lb. + 6.8%	0.6¢/lb. + 6.4%	0.6¢/lb. + 6%	0.5¢/lb. + 5.6%	0.5¢/lb. + 5.3%	0.5¢/lb. + 4.9%	0.5¢/lb. + 4.5%.
612.55A	3.8% ad val	3.7%	3.6%	3.5%	3.4%	3.3%	3.2%	3.1%	3%.
612.55B	5.75¢/lb	5.5¢/lb	5.4¢/lb	5.3¢/lb	5.1¢/lb	4.9¢/lb	4.8¢/lb	4.6¢/lb	4.5¢/lb.
612.56A	8.9% ad val	8.5%	8%	7.6%	7.2%	6.7%	6.3%	5.8%	5.4%.
612.56B	0.75¢ per lb. + 8.5% ad val.	0.7¢/lb. + 8.1%	0.6¢/lb. + 7.6%	0.6¢/lb. + 7.2%	0.6¢/lb. + 6.8%	0.5¢/lb. + 6.3%	0.6¢/lb. + 5.9%	0.5¢/lb. + 5.4%	0.5¢/lb. + 5%.
612.60A	1.5% ad val	1.4%	1.4%	1.3%	1.3%	1.2%	1.1%	1.1%	1%.
612.60B	1.6¢ per lb	1.5¢/lb	1.4¢/lb	1.3¢/lb	1.3¢/lb	1.2¢/lb	1.1¢/lb	1¢/lb	1¢/lb.
612.61A	15.4% ad val	14.4%	13.4%	12.4%	11.4%	10.3%	9.3%	8.3%	7.3%.
612.61B	1¢ per lb. on copper content + 15% ad val.	0.9¢/lb. on copper content + 14%.	0.8¢/lb. on copper content + 13%.	0.8¢/lb. on copper content + 12%.	0.7¢/lb. on copper content + 11%.	0.6¢/lb. on copper content + 10%.	0.6¢/lb. on copper content + 9%.	0.5¢/lb. on copper content + 8%.	0.5¢/lb. on copper content + 7%.
612.62A	2.6% ad val	2.5%	2.5%	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%.

612.62B	1¢ per lb. on copper content + 1¢ per lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.8¢/lb. on copper content + 0.8¢/lb.	0.8¢/lb. on copper content + 0.8¢/lb.	0.8¢/lb. on copper content + 0.8¢/lb.	0.8¢/lb. on copper content + 0.8¢/lb.
612.63A	11.2% ad val	10.6%	10%	9.3%	8.7%	8.1%	7.5%	6.8%	6.2%.
612.63B	0.75¢ per lb. + 11% ad val.	0.7¢/lb. + 10.4%	0.6¢/lb. + 9.8%	0.6¢/lb. + 9.1%	0.5¢/lb. + 8.5%	0.5¢/lb. + 7.9%	0.4¢/lb. + 7.3%	0.4¢/lb. + 6.6%	0.4¢/lb. + 6%.
612.64A	1.8% ad val	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.6%	1.6%.
612.64B	1¢ per lb. on copper content + 1¢ per lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.
612.70A	15.2% ad val	14.2%	13.2%	12.2%	11.3%	10.3%	9.3%	8.3%	7.3%.
612.70B	1¢ per lb. on copper content + 15% ad val.	0.9¢/lb. on copper content + 14%.	0.8¢/lb. on copper content + 13.1%.	0.8¢/lb. on copper content + 12.1%.	0.7¢/lb. on copper content + 11.1%.	0.6¢/lb. on copper content + 10.1%.	0.6¢/lb. on copper content + 9.2%.	0.5¢/lb. on copper content + 8.2%.	0.5¢/lb. on copper content + 7.2%.
612.71A	15.5% ad val	14.5%	13.5%	12.5%	11.5%	10.4%	9.4%	8.4%	7.4%.
612.71B	1¢ per lb. on copper content + 0.05¢ per lb. + 15% ad val.	0.9¢/lb. on copper content + 0.04¢/lb. + 14%.	0.8¢/lb. on copper content + 0.04¢/lb. + 13%.	0.8¢/lb. on copper content + 0.03¢/lb. + 12%.	0.7¢/lb. on copper content + 0.03¢/lb. + 11%.	0.6¢/lb. on copper content + 0.03¢/lb. + 10%.	0.6¢/lb. on copper content + 0.02¢/lb. + 9%.	0.5¢/lb. on copper content + 0.02¢/lb. + 8%.	0.5¢/lb. on copper content + 0.02¢/lb. + 7%
612.72A	0.8¢ per lb. on copper content + 6% ad val.	0.7¢/lb. on copper content + 5.8%.	0.6¢/lb. on copper content + 5.5%.	0.5¢/lb. on copper content + 5.3%.	0.4¢/lb. on copper content + 5%.	0.3¢/lb. on copper content + 4.8%.	0.2¢/lb. on copper content + 4.5%.	0.1¢/lb. on copper content + 4.3%.	4%.
612.72B	1¢ per lb. on copper content + 6% ad val.	0.9¢/lb. on copper content + 5.7%.	0.9¢/lb. on copper content + 5.4%.	0.8¢/lb. on copper content + 5.1%.	0.8¢/lb. on copper content + 4.8%.	0.7¢/lb. on copper content + 4.4%.	0.7¢/lb. on copper content + 4.1%.	0.6¢/lb. on copper content + 3.8%	0.6¢/lb. on copper content + 3.5%.
612.73A	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
612.73B	1¢ per lb. on copper content + 0.05¢ per lb. + 6% ad val.	0.9¢/lb. on copper content + 0.04¢/lb. + 5.8%.	0.9¢/lb. on copper content + 0.04¢/lb. + 5.5%.	0.8¢/lb. on copper content + 0.04¢/lb. + 5.3%.	0.8¢/lb. on copper content + 0.04¢/lb. + 5%.	0.8¢/lb. on copper content + 0.03¢/lb. + 4.8%.	0.7¢/lb. on copper content + 0.03¢/lb. + 4.5%.	0.7¢/lb. on copper content + 0.03¢/lb. + 4.3%.	0.7¢/lb. on copper content + 0.03¢/lb. + 4%.
612.80A	11.5% ad val	10.9%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%.
612.80B	0.75¢ per lb. + 11% ad val.	0.7¢/lb. + 10.4%	0.6¢/lb. + 9.8%	0.6¢/lb. + 9.1%	0.5¢/lb. + 8.5%	0.5¢/lb. + 7.9%	0.4¢/lb. + 7.3%	0.4¢/lb. + 6.6%	0.4¢/lb. + 6%.
612.81A	4.1% ad val	4%	3.9%	3.8%	3.7%	3.5%	3.4%	3.3%	3.2%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] The letter "A" or "B" following an item number in this column is for purposes of identifying the staged rate of duty to be inserted in column 1–a or column 1–b, as the case may be, of the corresponding item in the Tariff Schedules of the United States.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II [2]	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
612.81B	1¢ per lb. on copper content + 3¢ per lb.	0.9¢/lb. on copper content + 2.8¢/lb.	0.9¢/lb. on copper content + 2.7¢/lb.	0.9¢/lb. on copper content + 2.6¢/lb.	0.9¢/lb. on copper content + 2.5¢/lb.	0.8¢/lb. on copper content + 2.3¢/lb.	0.8¢/lb. on copper content + 2.2¢/lb.	0.8¢/lb. on copper content + 2.1¢/lb.	0.8¢/lb. on copper content + 2¢/lb.
612.82A	8.3% ad val	7.9%	7.5%	7.1%	6.8%	6.4%	6%	5.6%	5.2%.
612.82B	0.75¢ per lb. + 7.5% ad val.	0.7¢/lb. + 7.1%	0.6¢/lb. + 6.8%	0.6¢/lb. + 6.4%	0.6¢/lb. + 6%	0.5¢/lb. + 5.6%	0.5¢/lb. + 5.3%	0.5¢/lb. + 4.9%	0.5¢/lb. + 4.5%.
613.02A	2.9% ad val	2.7%	2.6%	2.4%	2.2%	2%	1.9%	1.7%	1.5%.
613.02B	2.75¢ per lb	2.5¢/lb	2.4¢/lb	2.2¢/lb	2¢/lb	1.9¢/lb	1.7¢/lb	1.5¢/lb	1.4¢/lb.
613.03A	2.5% ad val	2.4%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
613.03B	3.2¢ per lb	3.1¢/lb	3¢/lb	3¢/lb	2.9¢/lb	2.8¢/lb	2.8¢/lb	2.7¢/lb	2.7¢/lb.
613.04A	11.4% ad val	10.6%	9.8%	9%	8.2%	7.4%	6.6%	5.8%	5%.
613.04B	0.75¢ per lb. + 11% ad val.	0.6¢/lb. + 10.2%	0.6¢/lb. + 9.5%	0.5¢/lb. + 8.8%	0.5¢/lb. + 8%	0.4¢/lb. + 7.2%	0.4¢/lb. + 6.5%	0.3¢/lb. + 5.8%	0.3¢/lb. + 5%.
613.06A	11.1% ad val	10.5%	9.9%	9.3%	8.7%	8%	7.4%	6.8%	6.2%.
613.06B	0.75¢ per lb. + 11% ad val.	0.7¢/lb. + 10.4%	0.6¢/lb. + 9.8%	0.6¢/lb. + 9.1%	0.5¢/lb. + 8.5%	0.5¢lb. + 7.9%	0.4¢/lb. + 7.3%	0.4¢/lb. + 6.6%	0.4¢/lb. + 6%.
613.08A	7.9%	7.6%	7.2%	6.9%	6.5%	6.2%	5.8%	5.5%	5.1%.
613.08B	0.75¢ per lb. + 7.5% ad val.	0.7¢/lb. + 7.1%	0.6¢/lb. + 6.8%	0.6¢/lb. + 6.4%	0.6¢/lb. + 6%	0.5¢/lb. + 5.6%	0.5¢/lb. + 5.3%	0.5¢/lb. + 4.9%	0.5¢/lb. + 4.5%.
613.10A	1.5% ad val	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%.
613.10B	1¢ per lb. on copper content + 1¢ per lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.	0.9¢/lb. on copper content + 0.9¢/lb.
613.11A	0.8¢ per lb. on copper content + 3¢ per lb.	0.7¢/lb. on copper content + 2.9¢/lb.	0.7¢/lb. on copper content + 2.8¢/lb.	0.7¢/lb. on copper content + 2.7¢/lb.	0.7¢/lb. on copper content + 2.6¢/lb.	0.6¢/lb. on copper content + 2.5¢/lb.	0.6¢/lb. on copper content + 2.4¢/lb.	0.6¢/lb. on copper content + 2.3¢/lb.	0.6¢/lb. on copper content + 2.3¢/lb.
613.11B	1¢ per lb. on copper content + 3¢ per lb.	0.9¢/lb. on copper content + 2.9¢/lb.	0.9¢/lb. on copper content + 2.8¢/lb.	0.9¢/lb. on copper content + 2.7¢/lb.	0.9¢/lb. on copper content + 2.6¢/lb.	0.8¢/lb. on copper content + 2.5¢/lb.	0.8¢/lb. on copper content + 2.4¢/lb.	0.8¢/lb. on copper content + 2.3¢/lb.	0.8¢/lb. on copper content + 2.3¢/lb.
613.12A	7.7% ad val	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%	4.9%	4.5%.
613.12B	0.75¢ per lb. + 7.5% ad val.	0.7¢/lb. + 7.1%	0.6¢/lb. + 6.8%	0.6¢/lb. + 6.4%	0.6¢/lb. + 6%	0.5¢/lb. + 5.6%	0.5¢/lb. + 5.3%	0.5¢/lb. + 4.9%	0.4¢/lb. + 4.5%.
613.15A	11.2% ad val	11.2%	11.2%	11.2%	11.2%	11.2%	11.2%	11.2%	11.2%.
613.16A	7.9% ad val	7.3%	6.7%	6.1%	5.6%	5%	4.4%	3.8%	3.2%.
613.16B	0.75¢ per lb. + 7.5% ad val.	0.6¢/lb. + 6.9%	0.6¢/lb. + 6.4%	0.5¢/lb. + 5.8%	0.5¢/lb. + 5.3%	0.4¢/lb. + 4.7%	0.4¢/lb. + 4.1%	0.3¢/lb. + 3.6%	0.3¢/lb. + 3%.

618.01	3.2% ad val	3.1%	3.1%	3%	2.9%	2.8%	2.8%	2.7%	2.6%.
618.02	1¢ per lb	0.8¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	Free.
618.04	2.5% ad val	2.4%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
618.06	1¢ per lb	0.8¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	Free.
618.10	2.5% ad val	2%	2%	2%	2%	2%	2%	2%	2%.
618.15	3.2% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.7%	2.6%	2.6%.
618.17	9.5% ad val	8.9%	8.4%	7.8%	7.3%	6.7%	6.1%	5.6%	5%.
618.20	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
618.22	6.1% ad val	5.9%	5.6%	5.4%	5.2%	4.9%	4.7%	4.4%	4.2%.
618.25	3.8% ad val	3%	3%	3%	3%	3%	3%	3%	3%.
618.27	2.7% ad val	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%	2.7%.
618.29	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
618.40	2.3% ad val	2%	2%	2%	2%	2%	2%	2%	2%.
618.42	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
618.45	2.3% ad val	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5
618.47	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
620.08	12% ad val	11.3%	10.5%	9.8%	9%	8.3%	7.5%	6.8%	6%.
620.10	5% ad val	4.8%	4.6%	4.4%	4.3%	4.1%	3.9%	3.7%	3.5%.
620.12	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
620.16	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
620.20	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
620.22	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
620.26	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
620.30	5¢ per lb	4.4¢/lb	3.7¢/lb	3.1¢/lb	2.5¢/lb	1.9¢/lb	1.2¢/lb	0.6¢/lb	Free.
620.40	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
620.42	4% ad val	3.9%	3.8%	3.6%	3.5%	3.4%	3.3%	3.1%	3%.
620.46	9% ad val	8.3%	7.7%	7%	6.3%	5.6%	5%	4.3%	3.6%.
620.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
622.15	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
622.17	12% ad val	11.1%	10.2%	9.3%	8.4%	7.5%	6.6%	5.7%	4.8%.
622.20	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] The letter "A" or "B" following an item number in this column is for purposes of identifying the staged rate of duty to be inserted in column 1–a or column 1–b, as the case may be, of the corresponding item in the Tariff Schedules of the United States.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2— Continued									
622.22	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
622.25	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
622.35	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
622.40	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
624.02	5.2% ad val. on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.
624.03	5.1% ad val. on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.	3.5% on the value of the lead content.
624.04	5.8% ad val. on the value of the lead content.	3.6% on the value of the lead content.	3.4% on the value of the lead content.	3.2% on the value of the lead content.	3% on the value of the lead content.	2.8% on the value of the lead content.	2.7% on the value of the lead content.	2.5% on the value of the lead content.	2.3% on the value of the lead content.
624.10	3.3% ad val	3.2%	3.2%	3.1%	3%	2.9%	2.9%	2.8%	2.7%.
624.14	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
624.16	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
624.18	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
624.20	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
624.22	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
624.24	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
624.30	1.3% ad val	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%.
624.32	11.4% ad val	10.8%	10.1%	9.5%	8.9%	8.2%	7.6%	6.9%	6.3%.
624.34	11.25% ad val	10.6%	10%	9.4%	8.7%	8.1%	7.5%	6.8%	6.2%.
624.40	11.9% ad val	11.9%	11.9%	11.9%	11.9%	11.9%	11.9%	11.9%	11.9%.
624.50	2.6% ad val	2.5%	2.5%	2.4%	2.3%	2.2%	2.2%	2.1%	2%.
624.52	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
624.54	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
626.02	2% ad val	1.9%	1.9%	1.8%	1.8%	1.7%	1.6%	1.6%	1.5%.
626.10	5.2% ad val	4.8%	4.4%	4%	3.7%	3.3%	2.9%	2.5%	2.1%.
626.15	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
626.17	1% ad val	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
626.18	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
626.20	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.

626.22	9.5% ad val	9.5%	9.5%	8.9%	8.2%	7.6%	7%	6.3%	5.7%
626.24	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
626.30	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
626.31	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
626.35	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
626.45	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
628.15	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
628.17	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
628.20	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
628.25	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
628.30	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
628.35	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
628.45	5% ad val	2%	1.7%	1.4%	1.1%	0.8%	0.6%	0.2%	Free.
628.50	9% ad val	8.3%	7.7%	7%	6.3%	5.6%	5%	4.3%	3.6%.
628.55	20% ad val	19%	18%	16.5%	15%	13.5%	12%	10%	8%.
628.57	12.1% ad val	7.3%	7.2%	7.1%	7%	6.8%	6.7%	6.6%	6.5%.
628.59	6.5¢ per lb. on magnesium content + 3.8% ad val.	6.2¢/lb. on magnesium content + 3.4%.	6¢/lb. on magnesium content + 3.3%.	5.7¢/lb. on magnesium content + 3.1%.	5.5¢/lb. on magnesium content + 3%.	5.2¢/lb. on magnesium content + 2.9%.	5¢/lb. on magnesium content + 2.8%.	4.7¢/lb. on magnesium content + 2.6%.	4.5¢/lb. on magnesium content + 2.5%.
628.70	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
628.72	10¢ per lb. on molybdenum content + 3% ad val.	9.5¢/lb. on molybdenum content + 2.9%.	9¢/lb. on molybdenum content + 2.7%.	8.6¢/lb. on molybdenum content + 2.6%.	8.1¢/lb. on molybdenum content + 2.5%.	7.6¢/lb. on molybdenum content + 2.3%.	7.2¢/lb. on molybdenum content + 2.2%.	6.7¢/lb. on molybdenum content + 2%.	6.3¢/lb. on molybdenum content + 1.9%
628.74	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
628.90	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
628.95	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
629.05	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
629.07	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
629.10	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 2—Continued									
629.12	18% ad val	16.7%	15.3%	14%	12.6%	11.3%	9.9%	8.6%	7.2%.
629.14	18% ad val	18%	18%	17.5%	17%	16.5%	16%	15.5%	15%.
629.20	18% ad val	18%	18%	17.5%	17%	16.5%	16%	15.5%	15%.
629.25	7.6% ad val	7.3%	6.9%	6.6%	6.3%	5.9%	5.6%	5.2%	4.9%.
629.26	10.5% ad val	7.5%	4.5%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%.
629.28	21¢ per lb. on tungsten content + 12.5% ad val.	21¢ per lb. on tungsten content + 12.5%.	21¢ per lb. on tungsten content + 12.5%.	15¢ per lb. on tungsten content + 12.5%.	9¢ per lb. on tungsten content + 12.5%.	3¢ per lb. on tungsten content + 12.5%.	12.1%	11.3%	10.5%.
629.29	10.5% ad val	10.5%	10.5%	9.8%	9%	8.3%	7.5%	6.8%	6%.
629.30	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
629.32	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
629.33	12.5% ad val	12.5%	12.5%	11.5%	10.5%	9.6%	8.6%	7.6%	6.6%.
629.35	12.5% ad val	11.8%	11%	10.3%	9.5%	8.8%	8%	7.3%	6.5%.
629.50	12.5% ad val	11.8%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
629.60	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
629.62	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
629.65	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
632.02	1¢ per lb.	0.9¢/lb	0.8¢/lb	0.6¢/lb	0.5¢/lb	0.4¢/lb	0.3¢/lb	0.1¢/lb	Free.
632.04	2¢ per lb	1.8¢/lb	1.5¢/lb	1.3¢/lb	1¢/lb	0.8¢/lb	0.5¢/lb	0.3¢/lb	Free.
632.06	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
632.12	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
632.16	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
632.18	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
632.24	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
632.28	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
632.34	12.5¢ per lb	11.9¢/lb	11.3¢/lb	10.6¢/lb	10¢/lb	9.4¢/lb	8.8¢/lb	8.1¢/lb	7.5¢/lb.
632.38	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
632.42	5.3% ad val	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%.
632.43	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
632.46	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
632.48	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
632.50	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
632.52	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
632.56	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
632.60	1¢ per lb	0.9¢/lb	0.7¢/lb	0.6¢/lb	0.5¢/lb	0.4¢/lb	0.2¢/lb	0.1¢/lb	Free.

632.62	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
632.66	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
632.68	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
632.78	50¢ per lb	47¢/lb	45¢/lb	43¢/lb	41¢/lb	38¢/lb	36¢/lb	34¢/lb	32¢/lb.
632.79	50¢ per lb. + 6% ad val.	46¢/lb. + 5.6%	42¢/lb. + 5.1%	38¢/lb. + 4.7%	35¢/lb. + 4.2%	31¢/lb. + 3.8%	27¢/lb. + 3.3%	23¢/lb. + 2.9%	20¢/lb. + 2.4%.
632.86	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
633.00	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
Schedule 6. Part 3									
640.20	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
640.25	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
640.30	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
640.35	6.5% ad val	6%	5.5%	5%	4.6%	4.1%	3.6%	3.1%	2.6%.
640.40	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
642.06	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
642.08	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
642.09	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
642.11	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
642.12	4.7% ad val	4.6%	4.4%	4.3%	4.1%	4%	3.8%	3.7%	3.5%.
642.14	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
642.18	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
642.20	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
642.25	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.6%	11.9%	10%.
642.27	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
642.30	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
642.45	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
642.47	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
642.50	8.9% ad val	8.5%	8%	7.6%	7.2%	6.7%	6.3%	5.8%	5.4%.
642.52	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
642.54	5.4% ad val	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 3—Continued									
642.56	5.6% ad val	5.4%	5.2%	5%	4.8%	4.6%	4.4%	4.2%	4%.
642.58	6.6% ad val	6.3%	6.1%	5.8%	5.6%	5.3%	5%	4.8%	4.5%.
642.60	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
642.62	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
642.64	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
642.66	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
642.68	5.6% ad val	5.4%	5.2%	5%	4.8%	4.6%	4.4%	4.2%	4%.
642.70	6.9% ad val	6.6%	6.3%	6%	5.8%	5.5%	5.2%	4.9%	4.6%.
642.72	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
642.74	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
642.76	12.8% ad val	12%	11.3%	10.5%	9.8%	9%	8.2%	7.5%	6.7%.
642.78	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
642.80	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
642.82	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
642.85	6.9% ad val	6.6%	6.3%	6%	5.8%	5.5%	5.2%	4.9%	4.6%.
642.87	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
642.91	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
642.96	1% ad val	0.25¢/lb	0.25¢/lb	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
642.97	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
644.02	1.8% ad val	1.7%	1.6%	1.5%	1.4%	1.3%	1.2%	1.1%	1%.
644.06	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
644.08	24.6% ad val	22.8%	20.9%	19.1%	17.2%	15.4%	13.5%	11.7%	9.8%.
644.09	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
644.11	9.9% ad val	9.4%	8.9%	8.4%	7.9%	7.3%	6.8%	6.3%	5.8%.
644.12	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
644.15	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
644.17	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
644.18	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
644.20	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
644.22	9% ad val	8.3%	7.7%	7%	6.3%	5.6%	5%	4.3%	3.6%.
644.24	10.4% ad val	9.9%	9.3%	8.8%	8.2%	7.7%	7.1%	6.6%	6%.
644.26	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
644.28	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
644.30	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
644.32	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
644.36	4.4% ad val	4.3%	4.1%	4%	3.9%	3.7%	3.6%	3.4%	3.3%.

644.38	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
644.40	4.9% ad val	4.3%	3.7%	3.1%	2.5%	1.8%	1.2%	0.6%	Free.
644.42	4.6% ad val	4%	3.5%	2.9%	2.3%	1.7%	1.2%	0.6%	Free.
644.46	4.1% ad val	3.1%	3.1%	3.1%	3.1%	3.1%	3.1%	3.1%	3.1%.
644.48	41¢ for each 1,140 sq. in.	41¢ for each 1,140 sq. in.	40¢ for each 1,140 sq. in.	40¢ for each 1,140 sq. in.	40¢ for each 1,140 sq. in.	39¢ for each 1,140 sq. in.	39¢ for each 1,140 sq. in.	39¢ for each 1,140 sq. in.	38.5¢ for each 1,140 sq. in.
644.52	13.1% ad val	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%	6.2%	5.2%.
644.60	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
644.64	6.8% ad val	6.3%	5.8%	5.3%	4.8%	4.2%	3.7%	3.2%	2.7%.
644.68	5.2% ad val	5%	4.9%	4.7%	4.5%	4.3%	4.2%	4%	3.8%.
644.72	1.5¢ per 100 leaves.	1.4¢/100 leaves	1.4¢/100 leaves	1.4¢/100 leaves	1.4¢/100 leaves	1.4¢/100 leaves	1.4¢/100 leaves	1.4¢/100 leaves	1.4¢/100 leaves.
644.80	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
644.84	7.4% ad val	7.1%	6.8%	6.4%	6.1%	5.8%	5.5%	5.1%	4.8%.
644 88	1% ad val	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
644.92	2% ad val	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%.
644.98	2.1% ad val	2%	2%	2%	2%	1.9%	1.9%	1.8%	1.8%.
646.02	1.5% ad val	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%.
646.04	8% ad val	5%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%.
646.17	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
646.21	1% ad val	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
646.22	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
646.25	1.3% ad val	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%.
646.26	0.5% ad val	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%.
646.27	4% ad val	3.9%	3.8%	3.7%	3.5%	3.4%	3.3%	3.2%	3.1%.
646.28	0.5% ad val	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%.
646.30	4.1% ad val	3.9%	3.8%	3.7%	3.6%	3.5%	3.4%	3.3%	3.2%.
646.32	2.9% ad val	2.3%	2.3%	2.3%	2.3%	2.3%	2.3%	2.3%	2.3%.
646.34	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
646.36	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
646.41	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 3—Continued									
646.42	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
646.45	3.2% ad val	3.1%	3.1%	3%	2.9%	2.8%	2.8%	2.7%	2.6%.
646.47	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
646.51	11.5% ad val	10.9%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%.
646.53	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
646.54	0.7% ad val	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%.
646.56	0.2% ad val	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%	0.2%.
646.57	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
646.58	0.5¢ per lb	0.49¢/lb	0.48¢/lb	0.48¢/lb	0.47¢/lb	0.47¢/lb	0.46¢/lb	0.45¢/lb	0.45¢/lb.
646.60	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
646.65	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
646.72	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
646.74	1.6% ad val	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.4%	1.4%.
646.75	11.5% ad val	10.9%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%.
646.76	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
646.77	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
646.78	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
646.80	5.7% ad val	5.3%	4.9%	4.4%	4%	3.6%	3.2%	2.7%	2.3%.
646.81	5.3% ad val	5.1%	4.9%	4.7%	4.6%	4.4%	4.2%	4%	3.8%.
646.82	6.9% ad val	6.6%	6.3%	6%	5.8%	5.5%	5.2%	4.9%	4.6%.
646.83	10.7% ad val	10.1%	9.6%	9%	8.4%	7.8%	7.3%	6.7%	6.1%.
646.84	7.2% ad val	5.9%	5.7%	5.6%	5.4%	5.3%	5.1%	5%	4.8%.
646.85	5.9% ad val	5.7%	5.5%	5.3%	5.1%	4.8%	4.6%	4.4%	4.2%.
646.86	8.6% ad val	8.2%	7.8%	7.4%	7%	6.5%	6.1%	5.7%	5.3%.
646.87	9.2% ad val	8.8%	8.3%	7.9%	7.4%	7%	6.5%	6.1%	5.6%.
646.88	16% ad val	15.5%	15.1%	14.6%	14.2%	13.7%	13.2%	12.8%	12.3%.
646.89	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
646.90	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
646.92	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
646.95	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
646.97	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.

647.01	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
647.03	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
647.05	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
647.10	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
648.51	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
648.53	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
648.55	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
648.57	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
648.61	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
648.63	7.5% ad val	4.5%	3%	3%	3%	3%	3%	3%	3%.
648.67	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
648.69	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
648.71	1¢ each + 6% ad val.	0.9¢ each + 5.7%.	0.9¢ each + 5.5%.	0.8¢ each + 5.2%.	0.8¢ each + 4.9%.	0.7¢ each +4.6%	0.7¢ each +4.4%	0.6¢ each + 4.1%.	0.6¢ each + 3.8%.
648.73	5¢ each + 11% ad val.	4.5¢ each + 10.3%.	4¢ each + 9.5%	3.5¢ each + 8.8%.	3.5¢ each + 8.1%.	3¢ each + 7.3%	2.5¢ each + 6.6%.	2¢ each + 5.8%	2¢ each + 5.1%.
648.75	2¢ each + 4% ad val.	1.8¢ each + 3.9%.	1.7¢ each + 3.7%.	1.6¢ each + 3.6%.	1.5¢ each + 3.4%.	1.3¢ each + 3.3%.	1.2¢ each + 3.1%.	1.1¢ each 3%	1¢ each + 2.8%.
648.80	20% ad val	19%	18%	17%	16%	15%	14%	13%	12%.
648.82	20% ad val	19%	18%	17%	16%	15%	14%	13%	12%.
648.85	1.6¢ each + 10% ad val.	1.5¢ each + 9.4%.	1.4¢ each + 8.9%.	1.4¢ each + 8.3%.	1.3¢ each + 7.8%.	1.2¢ each + 7.2%.	1.1¢ each + 6.6%.	1¢ each + 6.1%	1¢ each + 5.5%.
648.89	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
648.91	5¢ each + 11% ad val.	4.5¢ each + 10.2%.	4¢ each + 9.4%	3.5¢ each + 8.5%.	3.5¢ each + 7.7%.	3¢ each + 6.9%	2.5¢ each + 6.1%.	2¢ each + 5.2%	2¢ each + 4.4%.
648.93	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
648.95	10.5% ad val	9.7%	8.9%	8.1%	7.4%	6.6%	5.8%	5%	4.2%.
648.97	11% ad val	10.8%	10.5%	10.3%	10%	9.8%	9.5%	9.3%	9%.
649.01	6¢ per doz	5.9¢/doz.	5.8¢/doz.	5.6¢/doz	5.5¢/doz	5.4¢/doz	5.3¢/doz	5.1¢/doz	5¢/doz.
649.03	10¢ per doz	9.9¢/doz	9.8¢/doz	9.6¢/doz	9.5¢/doz	9.4¢/doz	9.3¢/doz	9.1¢/doz	9¢/doz.
649.05	14¢ per doz	13.5¢/doz	13.5¢/doz	13¢/doz	13¢/doz	12.5¢/doz	12.5¢/doz	12¢/doz	12¢/doz.
649.07	8¢ per doz	7.9¢/doz	7.8¢/doz	7.6¢/doz	7.5¢/doz	7.4¢/doz	7.3¢/doz	7.1¢/doz	7¢/doz.
649.11	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
649.14	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
649.17	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
649.19	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 3— Continued									
649.21	10¢ per gross	9.5¢/gross	9.5¢/gross	9¢/gross	9¢/gross	8.5¢/gross	8.5¢/gross	8¢/gross	8¢/gross.
649.23	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
649.24	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
649.25	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
649.26	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
649.27	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
649.29	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
649.31	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
649.32	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
649.33	1% ad val	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%	0.9%.
649.35	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
649.39	4.5% ad val	1.5%	Free	Free	Free	Free	Free	Free	Free.
649.41	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
649.43	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
649.44	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
649.46	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
649.47	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
649.48	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
649.49	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
649.53	15% ad val	14%	13%	12%	11%	10%	9%	8%	7%.
649.57	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
649.67	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
649.71	25% ad val	22%	19%	16%	13%	10%	10%	10%	10%.
649.73	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
649.75	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
649.77	4.5¢ each + 13.5% ad val.	4.1¢ each + 12.4%.	3.8¢ each + 11.4%.	3.5¢ each + 10.3%.	3.2¢ each + 9.3%.	2.9¢ each + 8.2%.	2.6¢ each + 7.1%.	2.3¢ each + 6.1%.	2¢ each + 5%.
649.79	6.2¢ each + 12.5% ad val.	5.7¢ each + 11.6%.	5.2¢ each + 10.6%.	4.8¢ each + 9.7%.	4.3¢ each + 8.8%.	3.9¢ each + 7.8%.	3.4¢ each + 6.9%.	3¢ each + 5.9%	2.5¢ each + 5%.
649.81	5¢ each + 12.5% ad val.	4.5¢ each + 11.6%.	4¢ each + 10.6%	3.5¢ each + 9.7%.	3.5¢ each + 8.8%.	3¢ each + 7.8%	2.5¢ each + 6.9%.	2¢ each + 5.9%	2¢ each + 5%.

649.83	8.7¢ each + 13.5% ad val.	8¢ each + 12.5%	7¢ each + 11.5%	6.5¢ each + 10.5%.	5.5¢ each + 9.5%.	5¢ each + 8.4%	4¢ each + 7.4%	3.5¢ each + 6.4%.	3¢ each + 5.4%.
649.85	2.75¢ each + 13.5% ad val.	2.5¢ each + 12.5%.	2.3¢ each + 11.5%.	2¢ each + 10.5%	1.8¢ each + 9.5%.	1.6¢ each + 8.4%.	1.4¢ each + 7.4%.	1.2¢ each + 6.4%.	1¢ each + 5.4%.
649.87	8.7¢ each + 13.5% ad val.	8¢ each + 12.5%	7¢ each + 11.5%	6.5¢ each + 10.4%.	5.5¢ each + 9.5%.	5¢ each + 8.4%	4¢ each + 7.4%	3.5¢ each + 6.4%.	3¢ each + 5.4%.
649.89	2.75 each + 13.5% ad val.	2.5% each + 12.5%.	2.3¢ each + 11.5%.	2¢ each + 10.4%	1.8¢ each + 9.5%.	1.6¢ each + 8.4%.	1.4¢ each + 7.4%.	1.2¢ each + 6.4%.	1¢ each + 5.4%.
649.91	18.5% ad val.	17.2%	15.9%	14.6%	13.3%	11.9%	10.6%	9.3%	8%.
650.01	0.48¢ each + 5% ad val.	0.43¢ each + 4.7%.	0.4¢ each + 4.5%.	0.36¢ each + 4.2%.	0.33¢ each + 3.9%.	0.3¢ each + 3.6%.	0.26¢ each + 3.4%.	0.23¢ each + 3.1%.	0.2¢ each + 2.8%.
650.03	2¢ each + 8.5% ad val.	1.8¢ each + 8.1%.	1.7¢ each + 7.6%.	1.6¢ each + 7.2%.	1.5¢ each + 6.7%.	1.3¢ each + 6.3%.	1.2¢ each + 5.8%.	1.1¢ each + 5.4%.	1¢ each + 4.9%.
650.05	4¢ each + 8.5% ad val.	3.5¢ each + 8.1%.	3¢ each + 7.8%	2.5¢ each + 7.4%.	2¢ each + 7%	1.5¢ each + 6.6%.	1¢ each + 6.3%	0.5¢ each + 5.9%.	5.5%.
650.07	1¢ each + 7.5% ad val.	0.9¢ each + 7.2%.	0.9¢ each + 6.8%.	0.8¢ each + 6.5%.	0.8¢ each + 6.1%.	0.7¢ each + 5.8%.	0.7¢ each + 5.4%.	0.6¢ each + 5.1%.	0.6¢ each + 4.7%.
650.13	2¢ each + 6% ad val.	1.8¢ each + 5.8%.	1.7¢ each + 5.5%.	1.6¢ each + 5.3%.	1.5¢ each + 5%	1.3¢ each + 4.8%.	1.2¢ each + 4.5%.	1.1¢ each + 4.3%.	1¢ each + 4%.
650.15	2¢ each + 12.5% ad val.	1.8¢ each + 11.7%.	1.7¢ each + 10.8%.	1.6¢ each + 10%	1.5¢ each + 9.1%.	1.3¢ each + 8.3%.	1.2¢ each + 7.4%.	1.1¢ each + 6.6%.	1¢ each + 5.7%.
650.17	2¢ each + 8.5% ad val.	1.8¢ each + 8%	1.7¢ each + 7.5%.	1.6¢ each + 7%	1.5¢ each + 6.6%.	1.3¢ each + 6.1%.	1.2¢ each + 5.6%.	1.1¢ each + 5.1%.	1¢ each + 4.6%.
650.19	1¢ each + 6% ad val.	0.9¢ each + 5.8%.	0.8¢ each + 5.6%.	0.6¢ each + 5.4%.	0.5¢ each + 5.2%.	0.4¢ each + 5%	0.3¢ each + 4.8%.	0.1¢ each + 4.6%.	4.4%.
650.21	0.5¢ each + 8.5% ad val.	0.5¢ each + 8.2%.	0.5¢ each + 7.9%.	0.4¢ each + 7.6%.	0.4¢ each + 7.3%.	0.4¢ each + 7%	0.4¢ each + 6.7%.	0.4¢ each + 6.4%.	0.4¢ each + 6.1%.
650.31	0.4¢ each + 5% ad val.	0.38¢ each + 4.8%.	0.37¢ each + 4.6%.	0.36¢ each + 4.3%.	0.35¢ each + 4.1%.	0.34¢ each + 3.9%.	0.32¢ each + 3.7%.	0.31¢ each + 3.4%.	0.3¢ each + 3.2%.
650.35	4¢ each + 8.5 ad val.	3.5¢ each + 8.1%.	3¢ each + 7.7%	2.5¢ each + 7.3%.	2¢ each + 7%	1.5¢ each + 6.6%.	1¢ each + 6.2%	0.5¢ each + 5.8%.	5.4%.
650.37	0.5¢ each + 6% ad val.	0.4¢ each + 5.8%.	0.4¢ each + 5.5%.	0.4¢ each + 5.3%.	0.4¢ each + 5%	0.3¢ each + 4.8%.	0.3¢ each + 4.5%.	0.3¢ each + 4.3%.	0.3¢ each + 4%.
650.43	2¢ each + 6% ad val.	1.8¢ each + 5.8%.	1.6¢ each + 5.5%.	1.6¢ each + 5.3%.	1.5¢ each + 5%	1.3¢ each + 4.8%.	1.3¢ each + 4.5%.	1.1¢ each + 4.3%.	1¢ each + 4%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6. Part 3— Continued									
650.45	1¢ each + 6% ad val.	0.9¢ each + 5.7%.	0.8¢ each + 5.3%.	0.8¢ each + 5%	0.7¢ each + 4.6%.	0.6¢ each + 4.3%.	0.6¢ each + 3.9%.	0.5¢ each + 3.6%.	0.5¢ each + 3.2%.
650.47	1¢ each + 6% ad val.	0.8¢ each + 4.2%.	0.6¢ each + 3.2%.	0.5¢ each + 3.2%.	0.5¢ each + 3.2%.	0.5¢ each + 3.2%.	0.5¢ each + 3.2%.	0.5¢ each + 3.2%.	0.5¢ each + 3.2%.
650.49	0.5¢ each + 8.5% ad val.	0.4¢ each + 8%	0.4¢ each + 7.5%.	0.4¢ each + 7%	0.4¢ each + 6.5%.	0.3¢ each + 6%	0.3¢ each + 5.5%.	0.3¢ each + 5%	0.3¢ each + 4.5%.
650.51	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
650.53	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
650.56	17% ad val	15.8%	14.6%	13.4%	12.3%	11.1%	9.9%	8.7%	7.5%.
650.57	11% ad val	10.2%	9.4%	8.5%	7.7%	6.9%	6.1%	5.2%	4.4%.
650.61	1¢ each + 6% ad val.	0.9¢ each + 5.8%.	0.9¢ each + 5.5%.	0.8¢ each + 5.3%.	0.8¢ each + 5.1%.	0.8¢ each + 4.8%.	0.7¢ each + 4.6%.	0.7¢ each + 4.3%.	0.7¢ each + 4.1%.
650.63	2¢ each + 8.5% ad val.	1.8¢ each + 8.1%.	1.7¢ each + 7.7%.	1.6¢ each + 7.2%.	1.5¢ each + 6.8%.	1.3¢ each + 6.4%.	1.2¢ each + 6%	1.1¢ each + 5.5%.	1¢ each + 5.1%.
650.65	2¢ each + 6% ad val.	1.8¢ each + 5.8%.	1.7¢ each + 5.5%.	1.6¢ each + 5.3%.	1.5¢ each + 5%	1.3¢ each + 4.8%.	1.2¢ each + 4.5%.	1.1¢ each + 4.3%.	1¢ each + 4%.
650.71	1¢ each + 2.5% ad val.	0.9¢ each + 2.3%.	0.8¢ each + 2.1%.	0.7¢ each + 1.9%.	0.7¢ each + 1.8%.	0.6¢ each + 1.6%.	0.5¢ each + 1.4%.	0.4¢ each + 1.2%.	0.4¢ each + 1%.
650.73	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
650.75	0.1¢ each + 3% ad val.	0.09¢ each + 2.9%.	0.09¢ each + 2.7%.	0.08¢ each + 2.6%.	0.08¢ each + 2.4%.	0.07¢ each + 2.3%.	0.07¢ each + 2.1%.	0.06¢ each + 2%	0.06¢ each + 1.8%.
650.77	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
650.79[2]	7.5¢ each + 7.5% ad val.	7¢ each + 7.1%	6.6¢ each + 6.6%.	6.1¢ each + 6.2%.	5.7¢ each + 5.7%.	5.2¢ each + 5.3%.	4.8¢ each + 4.8%.	4.3¢ each + 4.4%.	3.9¢ each + 3.9%.[2]
650.81	7¢ each + 5% ad val.	6.6¢ each + 4.8%.	6.3¢ each + 4.6%.	6¢ each + 4.3%	5.7¢ each + 4.1%.	5.4¢ each + 3.9%.	5.1¢ each + 3.7%.	4.8¢ each + 3.4%.	4.5¢ each + 3.2%.
650.83	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
650.85	4¢ each + 9.5% ad val.	3.7¢ each + 8.9%.	3.5¢ each + 8.3%.	3.2¢ each + 7.7%.	3¢ each + 7.1%	2.7¢ each + 6.4%.	2.5¢ each + 5.8%.	2.2¢ each + 5.2%.	2¢ each + 4.6%.
650.87	0.87¢ each + 11% ad val.	0.8¢ each + 10.2%.	0.74¢ each + 9.4%.	0.67¢ each + 8.5%.	0.61¢ each + 7.7%.	0.54¢ each + 6.9%.	0.48¢ each + 6.1%.	0.41¢ each + 5.2%.	0.35¢ each + 4.4%.

650.89	3.75¢ each + 11% ad val.	3.5¢ each + 10.3%.	3.3¢ each + 9.5%.	3¢ each + 8.8%	2.8¢ each + 8.1%.	2.6¢ each + 7.3%.	2.4¢ each + 6.6%.	2.2¢ each + 5.8%.	2¢ each + 5.1%.
650.91	10¢ each + 22.5% ad val.	10¢ each + 20.9%.	10¢ each + 19.4%.	10¢ each + 17.8%.	10¢ each + 16.3%.	10¢ each + 14.7%.	10¢ each + 13.1%.	10¢ each + 11.6%.	10¢ each + 10%.
651.01	19% ad val	17.6%	16.2%	14.7%	13.3%	11.9%	10.5%	9%	7.6%.
651.03	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
651.04	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%
651.07	18.1% ad val	16.7%	15.4%	14%	12.7%	11.3%	9.9%	8.6%	7.2%.
651.09	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
651.11	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
651.13	19% ad val	17.6%	16.3%	14.9%	13.6%	12.2%	10.8%	9.5%	8.1%.
651.15	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
651.21	11% ad val	10.4%	9.8%	9.2%	8.6%	9%	7.4%	6.8%	6.2%.
651.23	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
651.25	0.3¢ per lb	0.28¢/lb	0.27¢/lb	0.26¢/lb	0.25¢/lb	0.23¢/lb	0.22¢/lb	0.21¢/lb	0.2¢/lb.
651.27	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
651.29	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
651.31	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
651.33	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
651.37	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
651.45	1.5% ad val	1.3%	1.1%	0.9%	0.8%	0.6%	0.4%	0.2%	Free.
651.47	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
651.49	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
651.51	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
651.53	1.7¢ per lb. + 8.5% ad val.	1.6¢/lb. + 8.1%	1.5¢/lb. + 7.6%	1.4¢/lb. + 7.2%	1.3¢/lb. + 6.8%	1.3¢/lb. + 6.3%	1.2¢/lb. + 5.9%	1.1¢/lb. + 5.4%	1¢/lb. + 5%.
651.55	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
651.60	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
651.62	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
651.64	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
652.03	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
652.06	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
652.09	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
652.13	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
652.14	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
652.15	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 650.79, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—3.4¢ each + 3.5%.

Effective with respect to articles entered on and after January 1, 1989—3¢ each + 3%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 3— Continued									
652.18	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
652.21	0.5¢ per lb	0.4¢/lb	0.3¢/lb	0.3¢/lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	Free	Free.
652.24	1.7% ad val	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.5%	1.5%.
652.27	0.37¢ per lb	0.3¢/lb	0.3¢/lb	0.2¢/lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	Free	Free.
652.30	0.2¢ per lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	Free	Free	Free.
652.33	0.2¢ per lb	0.2¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	0.1¢/lb	Free	Free	Free.
652.35	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
652.36	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
652.38	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
652.41	0.3% ad val	0.2%	0.2%	0.2%	0.2%	0.1%	0.1%	Free	Free.
652.42	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
652.45	2.5¢ per lb + 15% ad val.	2¢/lb. + 13.9%	2¢/lb. + 12.8%	2¢/lb. + 11.6%	2¢/lb. + 10.5%	1¢/lb. + 9.4%	1¢/lb. + 8.3%	1¢/lb. + 7.1%	1¢/lb. + 6%.
652.50	2¢ per lb. + 6% ad val.	1.2¢/lb. + 3.5%	1¢/lb. + 2.5%	1¢/lb. + 2.5%	1¢/lb. + 2.5%	1¢/lb. + 2.5%	1¢/lb. + 2.5%	1¢/lb. + 2.5%	1¢/lb. + 2.5%.
652.55	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
652.60	10% ad val	7%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%.
652.65	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
652.70	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
652.72	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
652.75	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
652.80	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
652.8[illegible]	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
65[illegible]8	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
652.90	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
652.92	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
652.93	1.5% ad val	1.5%	1.5%	1.5%	1.5%	1.4%	1.4%	1.4%	1.4%.
652.94	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
652.95	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
652.96	5.5% ad val	5.3%	5.1%	4.96%	4.7%	4.5%	4.3%	4.1%	3.9%.
652.97	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
653.00	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
653.01	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
653.02	3.5% ad val	Free	Free	Free	Free	Free	Free	Free	Free.
653.06	2.6 per lb	2.5¢/lb	2.5¢/lb	2.4¢/lb	2.3¢/lb	2.2¢/lb	2.2¢/lb	2.1¢/lb	2¢/lb.
653.15	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
653.20	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
[illegible]	9.8% ad val	9.3%	8.8%	8.3%	8.2%	7.6%	7%	6.3%	5.7%.

653.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.8%	3.7%.
653.35	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
653.37	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
653.39	19% ad val	17.6%	16.2%	14.7%	13.3%	11.9%	10.5%	9%	7.6%.
653.45	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
653.47	6% ad val	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%.
653.48	6% ad val	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%.
653.52	6% ad val	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%.
653.60	12.5% ad val	11.8%	11%	10,3%	9.6%	8.8%	8.1%	7.3%	6.6%.
653.62	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
653.65	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
653.70	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
653.75	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
653.80	8.5% ad val	7.9%	7.4%	6.8%	6.3%	5.7%	5.1%	4.6%	4%.
653.85	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
653.90	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
653.93	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
653.96	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
653.99	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
654.01	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
654.02	3.4% ad val	3.3%	3.2%	3.1%	3.1%	3%	2.9%	2.8%	2.7%.
654.03	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
654.05	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
654.07	9.8% ad val	9.1%	8.3%	7.6%	6.9%	6.1%	5.4%	4.6%	3.9%.
654.09	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
654.11	9.5% ad val	9.3%	8.5%	7.7%	6.9%	6.2%	5.4%	4.6%	3.8%.
654.12	9.7% ad val	9%	8.3%	7.5%	6.8%	6.1%	5.4%	4.6%	3.9%.
654.13	9.6% ad val	9.1%	8.6%	8.1%	7.7%	7.2%	6.7%	6.2%	5.7%.
654.14	9.6% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
654.15	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
654.20	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
656.05	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
656.10	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
656.15	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
656.20	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
656.25	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
656.35	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
657.10	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
657.15	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
657.24	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
657.25	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
657.30	11.3% ad val	10.7%	10.1%	9.4%	8.8%	8.2%	7.6%	6.9%	6.3%.
657.35	7.7% ad val	7.4%	7%	6.7%	6.4%	6%	5.7%	5.3%	5%.
657.40	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
657.50	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 3– Continued									
657.60	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
657.70	0.6% ad val	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.5%.
657.75	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
657.80	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
658.00	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
Schedule 6, Part 4									
660.20	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
660.22	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
660.42	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
660.48	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1.%
660.56	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
660.67	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
660.71	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
660.77	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.
660.80	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
660.85	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
660.92	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
660.96	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
660.97	5% ad val	4.8%	4.5%	4.3%	4%	3.8%	3.5%	3.3%	3%.
661.05	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
661.06	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
661.12	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
661.15	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
661.20	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
661.25	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
661.30	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
661.35	5% ad val	4.7%	4.5%	4.2%	4%	3.7%	3.4%	3.2%	2.9%.
661.40	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
661.45	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
661.50	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
661.54	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
661.56	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
661.66	9.5% ad val	8.8%	8.1%	7.4%	6.8%	6.1%	5.4%	4.7%	4%.
661.67	3.5% ad val	3.4%	3.2%	3.1%	3%	2.8%	2.7%	2.5%	2.4%.

661.68	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
661.85	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
661.90	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
661.92	1.5% ad val	1.3%	1.1%	0.9%	0.8%	0.6%	0.4%	0.2%	Free.
661.95	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
662.10	5% ad val	4.8%	4.6%	4.4%	4.2%	4%	3.8%	3.6%	3.4%.
662.15	7.5% ad val	7.1%	6.8%	6.4%	6%	5.6%	5.3%	4.9%	4.5%.
662.18	1.5% ad val	1.5%	1.5%	1.4%	1.4%	1.4%	1.4%	1.3%	1.3%.
662.20	5.5% ad val	5.3%	5%	4.8%	4.6%	4.3%	4.1%	3.8%	3.6%.
662.26	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
662.30	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
662.35	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
662.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
664.06	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
664.07	5% ad val	4.6%	4.3%	3.9%	3.5%	3.1%	2.8%	2.4%	2%.
664.08	5% ad val	4.7%	4.4%	4.1%	3.8%	3.4%	3.1%	2.8%	2.5%.
664.10	5% ad val	4.6%	4.3%	3.9%	3.5%	3.1%	2.8%	2.4%	2%.
666.10	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
666.25	5.5% ad val	5.3%	5%	4.8%	4.5%	4.3%	4%	3.8%	3.5%.
668.00	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
668.02	5% ad val	4.6%	4.3%	3.9%	3.5%	3.1%	2.8%	2.4%	2%.
668.04	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
668.06	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
668.07	5% ad val	4.8%	4.5%	4.3%	4%	3.8%	3.5%	3.3%	3%.
668.10	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
668.15	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
668.21	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
668.23	6% ad val	5.7%	5.3%	5%	4.7%	4.3%	[illegible]	3.6%	3.3%.
668.32	$2 each + 20% ad val.	$1.85 each + 18.5%.	$1.70 each + 17%	$1.55 each + 15.5%.	$1.40 each + 14%	$1.25 each + 12.5%.	$1.10 each + 11%	95¢ each + 9.5%	80¢ each + 8%.
668.34	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
668.36	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
668.38	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
670.00	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
670.02	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
670.04	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6. Part 4— Continued									
670.06	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
670.12	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
670.14	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
670.16	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
670.17	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
670.18	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
670.19	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
670.20	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
670.22	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
670.23	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
670.25	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
670.27	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
670.29	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
670.33	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
670.35	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
670.40	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
670.41	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
670.42	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
670.43	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
670.50	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
670.52	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
670.54	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
670.56	14% ad val	13.1%	12.3%	11.4%	10.5%	9.6%	8.8%	7.9%	7%.
670.58	50¢ per 1,000 + 15% ad val.	50¢/1,000 + 15%	50¢/1,000 + 15%	41¢/1,000 + 14.2%	33¢/1,000 + 13.3%	25¢/1,000 + 12.5%	16¢/1,000 + 11.7%	8¢/1,000 + 10.8%	10%.
670.60	37¢ per 1,000 + 12.5% ad val.	34¢/1,000 + 11.7%	32¢/1,000 + 11%	30¢/1,000 + 10.2%	28¢/1,000 + 9.5%	25¢/1,000 + 8.7%	23¢/1,000 + 7.9%	21¢/1,000 + 7.2%	19¢/1,000 + 6.4%.
670.62	57¢ per 1,000 + 20% ad val.	52¢/1,000 + 18.5%	48¢/1,000 + 17.1%	44¢/1,000 + 15.6%	40¢/1,000 + 14.1%	35¢/1,000 + 12.6%	31¢/1,000 + 11.2%	27¢/1,000 + 9.7%	23¢/1,000 + 8.2%.
670.64	37¢ per 1,000 + 10% ad val.	35¢/1,000 + 9.5%	33¢/1,000 + 8.9%	31¢/1,000 + 8.4%	29¢/1,000 + 7.8%	27¢/1,000 + 7.3%	25¢/1,000 + 6.7%	23¢/1,000 + 6.2%	21¢/1,000 + 5.6%.
670.66	12% ad val	11.1%	10.2%	9.3%	8.4%	7.5%	6.6%	5.7%	4.8%.

670.66	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
670.70	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
670.72	10¢/1,000+12.5% ad val.	9¢/1,000+11.6%	8¢/1,000+10.6%	7¢/1,000+9.7%	7¢/1,000+8.8%	6¢/1,000+7.8%	5¢/1,000+6.9%	4¢/1,000+5.9%	4¢/1,000+5%.
670.90	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
672.10	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
672.14	5% ad val	4.7%	4.4%	4.1%	3.8%	3.4%	3.1%	2.8%	2.5%.
672.16	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
672.20	37¢/1,000+10% ad val.	32¢/1,000+9.5%	27¢/1,000+9%	23¢/1,000+8.5%	18¢/1,000+8%	13¢/1,000+7.5%	9¢/1,000+7%	4¢/1,000+6.5%	6%.
672.22	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
672.25	5% ad val	4.7%	4.4%	4.1%	3.8%	3.4%	3.1%	2.8%	2.5%.
674.10	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
674.20	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
674.30	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
674.32	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
674.35	7.5% ad val	7.1%	6.7%	6.3%	6%	5.6%	5.2%	4.8%	4.4%.
674.40	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
674.42	5% ad val	4.8%	4.5%	4.3%	4%	3.8%	3.5%	3.3%	3%.
674.50	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
674.52	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
674.53	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
674.55	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
674.60	7.5% ad val	7.1%	6.8%	6.4%	6%	5.6%	5.3%	4.9%	4.5%.
674.70	4.5% ad val	4.3%	4%	3.8%	3.5%	3.3%	3%	2.8%	2.5%.
674.75	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
674.80	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
674.90	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
676.07	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
676.10	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
676.12	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
676.15	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
676.20	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
676.22	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
676.23	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
676.25	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 4—Continued									
676.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
676.50	9.5% ad val	8.8%	8.1%	7.4%	6.8%	6.1%	5.4%	4.7%	4%.
676.52	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
678.20	5% ad val	4.7%	4.5%	4.2%	4%	3.7%	3.4%	3.2%	2.9%.
678.30	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
678.32	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
678.35	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
678.40	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
678.45	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
678.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
680.05	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
680.07	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
680.12	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.92%.
680.13	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
680.14	9.3% ad val	8.8%	8.4%	7.9%	7.5%	7%	6.5%	6.1%	5.6%.
680.17	11% ad val	11%	11%	10.5%	10%	9.5%	9%	8.5%	8%.
680.19	11% ad val	10.2%	9.4%	8.5%	7.7%	6.9%	6.1%	5.2%	4.4%.
680.25	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
680.27	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
680.30	7.5% ad val	7%	6.7%	6.4%	6.1%	5.8%	5.5%	5.2%	4.9%.
680.33	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
680.42	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
680.46	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
680.49	4.5% ad val	4.3%	4%	3.8%	3.5%	3.3%	3%	2.8%	2.5%.
680.50	$1.12 each + 17.5% ad val.	$1.04 each + 16.3%	96¢ each + 15.1%	88¢ each + 13.8%	81¢ each + 12.6%	73¢ each + 11.4%	65¢ each + 10.2%	57¢ each + 8.9%	50¢ each + 7.7%.
680.62	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
680.63	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
680.66	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
680.68	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
680.70	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
680.72	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
680.73	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
680.76	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
680.81	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.

680.86	1.5% ad val	1.5%	1.5%	1.5%	1.5%	1.4%	1.4%	1.4%	1.4%.
680.88	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
680.90	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
Schedule 6, Part 5									
682.05	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
682.07	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
682.20	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
682.25	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
682.30	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
682.41	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
682.45	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
682.50	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
682.52	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
682.55	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
682.60	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
682.70	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
682.80	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
682.90	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
682.95	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
683.10	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
683.15	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
683.20	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
683.30	6.5% ad val	6.1%	5.7%	5.3%	5%	4.6%	4.2%	3.8%	3.4%.
683.32	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
683.40	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
683.50	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
683.60	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
683.65	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
683.70	35% ad val	33.8%	32.5%	31.3%	30%	28.8%	27.5%	26.3%	25%.
683.80	13.75% ad val	12.9%	12%	11.2%	10.3%	9.5%	8.6%	7.8%	6.9%.
683.90	4% ad val	3.8%	3.5%	3.3%	3%	2.8%	2.5%	2.3%	2%.
683.95	5% ad val	4.7%	4.4%	4.1%	3.8%	3.4%	3.1%	2.8%	2.5%.
684.10	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
684.15	17% ad val	15.7%	14.5%	13.2%	11.9%	10.6%	9.4%	8.1%	6.8%.
684.20	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 5— Continued									
684.28	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
684.40	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
684.50	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
684.64	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
684.70	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
685.10	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2.
685.13	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
685.19	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
685.21	10.4% ad val	10.1%	9.8%	9.5%	9.2%	8.9%	8.6%	8.3%	8%.
685.24	10.4% ad val	9.9%	9.3%	8.8%	8.2%	7.7%	7.1%	6.6%	6%.
685.26	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
685.33	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
685.34	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
685.36	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
685.40	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
685.42	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
685.50	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
685.60	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
685.70	4% ad val	3.8%	3.7%	3.5%	3.4%	3.2%	3%	2.9%	2.7.
685.90	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
686.18	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
686.24	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
686.30	10% ad val	7%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%.
686.40	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
686.50	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
686.60	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
686.70	18% ad val	16.7%	15.5%	14.2%	13%	11.7%	10.4%	9.2%	7.9%.
686.80	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
687.10	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
687.20	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
687.30	5% ad val	4.6%	4.3%	3.9%	3.5%	3.1%	2.8%	2.4%	2%.
687.42	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
687.43	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
687.58	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.

688.04	8.5% ad val	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%.
688.06	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
688.10	20% ad val	17%	14%	11%	8%	8%	8%	8%	8%.
688.15	8.5% ad val	6.5%	6.3%	6.1%	5.9%	5.8%	5.6%	5.5%	5.3%.
688.20	7.5% ad val	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%
688.25	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
688.30	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
688.35	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
688.40	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1	3.9%.
Schedule 6. *Part 6*									
690.05	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
690.10	11.5% ad val	10.9%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%.
690.20	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
690.25	0.5% ad val	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%.
690.35	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
690.40	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
692.04	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
692.10	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
692.14	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
692.16	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
692.22	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
692.32	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
692.35	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
692.40	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
692.45	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
692.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
692.55	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
692.60	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
694.31	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
694.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
694.61	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
694.65	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 6, Part 6— Continued									
694.07	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
694.70	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
696.05	2% ad val	1.9%	1.9%	1.8%	1.8%	1.7%	1.6%	1.6%	1.5%.
696.10	5% ad val	4.6%	4.1%	3.7%	3.3%	2.8%	2.4%	1.9%	1.5%.
696.15	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
696.30	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
696.35	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.
696.40	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
696.50	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
696.60	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
Schedule 7, Part 1									
700.51	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
700.54	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
700.75	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
700.90	12.5% ad val	11.9%	11.3%	10.6%	10%	9.4%	8.8%	8.1%	7.5%.
702.06	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
702.08	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
702.12	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
702.14	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
702.15	17.5% ad val	14.5%	11.5%	8.5%	7%	7%	7%	7%	7%.
702.28	94¢/doz. + 8% ad val.	87¢/doz. + 7.4%	80¢/doz. + 6.8%	72¢/doz. + 6.2%	65¢/doz. + 5.6%	58¢/doz. + 5%	51¢/doz. + 4.4%	44¢/doz. + 3.8%	37¢/doz. + 3.2%.
702.30	80¢/doz. + 6% ad val.	76¢/doz. + 5.7%	73¢/doz. + 5.5%	69¢/doz. + 5.2%	65¢/doz. + 4.9%	61¢/doz. + 4.6%	57¢/doz. + 4.4%	53¢/doz. + 4.1%	50¢/doz. + 3.8%.
702.32	60¢/doz. + 10% ad val.	56¢/doz. + 9.4%	52¢/doz. + 8.8%	49¢/doz. + 8.2%	45¢/doz. + 7.6%	41¢/doz. + 7%	37¢/doz. + 6.4%	34¢/doz. + 5.8%	30¢/doz. + 5.2%.
702.37	10% ad val	9.3%	8.5%	7.8%	7%	6.2%	5.5%	4.8%	4%.
702.54	33¢/lb. + 18% ad val.	31¢/lb. + 16.9%	29¢/lb. + 15.9%	27¢/lb. + 14.8%	25¢/lb. + 13.7%	23¢/lb. + 12.6%	21¢/lb. + 11.6%	19¢/lb. + 10.5%	17¢/lb. + 9.4%.
702.56	37.5¢/lb. + 25% ad val.	35¢/lb. + 23.8%	34¢/lb. + 22.6%	32¢/lb. + 21.4%	30¢/lb. + 20.2%	28¢/lb. + 19%	26¢/lb. + 17.8%	25¢/lb. + 16.6%	23¢/lb. + 15.4%.
702.60	12¢/lb. + 27.5% ad val.	11¢/lb. + 25.4%	10¢/lb. + 23.4%	9¢/lb. + 21.3%	8¢/lb. + 19.3%	7¢/lb. + 17.2%	6¢/lb. + 15.1%	6¢/lb. + 13.1%	5¢/lb. + 11%.
702.65	15¢/lb. + 20% ad val + 4¢/article.	13.9¢/lb. + 18.5% + 3.7¢/article.	12.7¢/lb. + 17% + 3.5¢/article.	11.6¢/lb. + 15.5% + 3.2¢/article.	10.5¢/lb. + 14% + 3¢/article.	9.4¢/lb. + 12.5% + 2.7¢/article.	8.2¢/lb. + 11% + 2.5¢/article.	7.1¢/lb. + 9.5% + 2.2¢/article.	6¢/lb. + 8% + 2¢/article.

702.70	15¢/lb.+15% ad val+4¢/article.	13.9¢/lb.+14% +3.7¢/article.	12.7¢/lb.+12.9% +3.5¢/article.	11.6¢/lb.+11.9% +3.2¢/article.	10.5¢/lb.+10.9% +3¢/article.	9.4¢/lb.+9.8% +2.7¢/article.	8.2¢/lb.+8.8% +2.5¢/article.	7.1¢/lb.+7.7% +2.2¢/article.	3.5¢/lb.+6.7% +2¢/article.
702.75	25¢/lb.+21% ad val.	23¢/lb.+19.4%	21¢/lb.+17.9%	19¢/lb.+16.3%	17¢/lb.+14.7%	15¢/lb.+13.1%	13¢/lb.+11.6%	11¢/lb.+10%	10¢/lb.+8.4%.
702.80	37.5¢/lb.+21% ad val.	34¢/lb.+19.4%	31¢/lb.+17.9%	29¢/lb.+16.3%	26¢/lb.+14.7%	23¢/lb.+13.1%	20¢/lb.+11.6%	17¢/lb.+10%	15¢/lb.+8.4%.
702.85	40¢ each+8% ad val.	37¢ each+7.4%	34¢ each+6.8%	31¢ each+6.1%	28¢ each+5.5%	25¢ each+4.9%	22¢ each+4.3%	19¢ each+3.6%	16¢ each+3%.
702.90	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
702.95	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
703.05	18% ad val	16.7%	15.3%	14%	12.6%	11.3%	9.9%	8.6%	7.2%.
703.10	25¢/lb.+20% ad val.	24¢/lb.+19.3%	23¢/lb.+18.5%	22¢/lb.+17.8%	21¢/lb.+17.1%	20¢/lb.+16.3%	19¢/lb.+15.6%	19¢/lb.+14.8%	18¢/lb.+14.1%.
703.15	25¢/lb.+20% ad val.	23¢/lb.+18.5%	21¢/lb.+17%	19¢/lb.+15.5%	17¢/lb.+14%	15¢/lb.+12.5%	13¢/lb.+11%	12¢/lb.+9.5%	10¢/lb.+8%.
703.20	27.5% ad val	25.4%	23.4%	21.3%	19.3%	17.2%	15.1%	13.1%	11%.
703.25	23.5% ad val	21.7%	20%	18.2%	16.5%	14.7%	12.9%	11.2%	9.4%.
703.30	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
703.35	$2.75/doz.+4% ad val.	$2.54/doz.+3.7%	$2.33/doz.+3.4%	$2.13/doz.+3.1%	$1.92/doz.+2.8%	$1.71/doz.+2.5%	$1.51/doz.+2.2%	$1.30/doz.+1.9%	$1.10/doz.+1.6%.
703.40[2]	55% ad val	51.7%	48.4%	45.1%	41.8%	38.5%	35.2%	31.9%	28.6%.[2]
703.45[3]	65% ad val	61.1%	57.2%	53.3%	49.4%	45.5%	41.6%	37.7%	33.8%.[3]
703.50	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
703.55	$3.40/doz.+5% ad val.	$3.21/doz.+4.7%	$3.03/doz.+4.5%	$2.84/doz.+4.2%	$2.66/doz.+3.9%	$2.47/doz.+3.6%	$2.29/doz.+3.4%	$2.10/doz.+3.1%	$1.92/doz.+2.8%.
703.60	12.5% ad val	11.6%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
703.70	10¢/lb.+8.5% ad val.	9.2¢/lb.+7.9%	8.5¢/lb.+7.3%	7.7¢/lb.+6.6%	7¢/lb.+6%	6.2¢/lb.+5.3%	5.5¢/lb.+4.7%	4.7¢/lb.+4%	4¢/lb.+3.4%.
703.72	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.
703.80	2% ad val	1.8%	1.5%	1.3%	1%	0.8%	0.5%	0.3%	Free.
703.85	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
703.90	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
703.95	9% ad val	8.3%	7.7%	7%	6.3%	5.6%	5%	4.3%	3.6%.
704.05	25% ad val	25%	25%	24.2%	23.3%	22.5%	21.7%	20.8%	20%.
704.10	25% ad val	25%	25%	24.2%	23.3%	22.5%	21.7%	20.8%	20%.
704.15	25% ad val	25%	25%	24.2%	23.3%	22.5%	21.7%	20.8%	20%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 703.40, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—25.3%.
Effective with respect to articles entered on and after January 1, 1989—22%.

[3] For item 703.45, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—29.9%.
Effective with respect to articles entered on and after January 1, 1989—26%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7. Part 1—Continued									
704.20 [2]	50% ad val	50%	50%	47%	44%	41%	38%	35%	32%.[2]
704.25 [3]	45% ad val	45%	45%	42.2%	39.4%	36.7%	33.9%	31.1%	28.3%.[3]
704.30 [4]	50% ad val	50%	50%	47%	44%	41%	38%	35%	32%.[4]
704.32	30% ad val	30%	30%	28.3%	26.7%	25%	23.3%	21.7%	20%.
704.34	30% ad val	30%	30%	28.3%	26.7%	25%	23.3%	21.7%	20%.
704.50	25% ad val	25%	25%	22.5%	20%	17.5%	15%	12.5%	10%.
704.56	20¢/lb. + 17.5% ad val.	20¢/lb. + 17.5%	20¢/lb. + 17.5%	18¢/lb. + 15.8%	16¢/lb. + 14.2%	14¢/lb. + 12.5%	12¢/lb. + 10.8%	10¢/lb. + 9.2%	8.5¢/lb. + 7.5%.
704.60 [5]	37.5¢/lb. + 50% ad val..	37.5¢/lb. + 50%	37.5¢/lb. + 50	35¢/lb. + 47%	33¢/lb. + 44%	30¢/lb. + 41%	28¢/lb. + 38%	26¢/lb. + 35%	24¢/lb. + 32%.[5]
704.65	37.5¢/lb. + 18.5% ad val.	37.5¢/lb. + 18.5%	37.5¢/lb. 18.5%	33¢/lb. + 16.6%	30¢/lb. + 14.8%	26¢/lb. + 13%	22¢/lb. + 11.1%	18¢/lb. + 9.2%	15¢/lb. + 7.4%.
704.70	37.5¢/lb. + 15% ad val.	37.5¢/lb. + 15%	37.5¢/lb. + 15%	33¢/lb. + 13.5%	30¢/lb. + 12%	27¢/lb. + 10.5%	22¢/lb. + 9%	18¢/lb. + 7.5%	15¢/lb. + 6%.
704.75	12% ad val	12%	12%	11.1%	10.2%	9.3%	8.3%	7.4%	6.5%.
704.80	16% ad val	16%	16%	14.6%	13.2%	11.8%	10.3%	8.9%	7.5%.
704.85	25¢/lb. + 32.5% ad val.	25¢/lb. + 32.5%	25¢/lb. + 32.5%	23¢/lb. + 29.9%	21¢/lb. + 27.4%	19¢/lb. + 24.8%	17¢/lb. + 22.2%	15¢/lb. + 19.7%	13¢/lb. + 17.1%.
704.90 [6]	25¢/lb. + 27.5% ad val.	25¢/lb. + 27.5%	25¢/lb. + 27.5%	22¢/lb. + 25.1%	20¢/lb. + 22.8%	18¢/lb. + 20.4%	16¢/lb. + 18.1%	14¢/lb. + 15.7%	12¢/lb. + 13.4%.[6]
704.95	10% ad val	10%	10%	9%	8%	7%	6%	5%	4%.
705.30	10% ad val	9.2%	8.5%	7.8%	7%	6.2%	5.5%	4.8%	4%.
705.35	15% ad val	15%	15%	15%	15%	15%	15%	15%	14%.
705.40 [7]	$5/doz. pairs	$4.74/doz. pairs	$4.49/doz. pairs	$4.23/doz. pairs	$3.98/doz. pairs	$3.72/doz. pairs	$3.47/doz. pairs	$3.21/doz. pairs	$2.96/doz. pairs.[7]
705.42 [8]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[8]
705.43 [9]	$5/doz. pairs	$4.70/doz. pairs	$4.40/doz. pairs	$4.10/doz. pairs	$3.80/doz. pairs	$3.50/doz. pairs	$3.20/doz. pairs	$2.90/doz. pairs	$2.60/doz. pairs.[9]
705.45 [10]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[10]
705.46 [11]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[11]
705.48 [12]	$5/doz. pairs	$4.74/doz. pairs	$4.48/doz. pairs	$4.22/doz. pairs	$3.96/doz. pairs	$3.71/doz. pairs	$3.45/doz. pairs	$3.19/doz. pairs	$2.93/doz.[12]
705.50 [13]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[13]
705.51 [14]	$5/doz. pairs	$4.73/doz. pairs	$4.47/doz. pairs	$4.20/doz. pairs	$3.94/doz. pairs	$3.67/doz. pairs	$3.41/doz. pairs	$3.14/doz. pairs	$2.88/doz. pairs.[14]
705.53 [15]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[15]

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For Item 704.20, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—29%.
Effective with respect to articles entered on and after January 1, 1989—26%.

Effective with respect to articles entered on and after January 1, 1990—23%.
Effective with respect to articles entered on and after January 1, 1991—20%.

[3] For Item 704.25, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—25.6%.
Effective with respect to articles entered on and after January 1, 1989—22.8%.
Effective with respect to articles entered on and after January 1, 1990—20%.

[4] For Item 704.30, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—29%.
Effective with respect to articles entered on and after January 1, 1989—26%.
Effective with respect to articles entered on and after January 1, 1990—23%.
Effective with respect to articles entered on and after January 1, 1991—20%.

[5] For Item 704.60, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—21¢/lb. + 29%.
Effective with respect to articles entered on and after January 1, 1989—19¢/lb. + 26%.
Effective with respect to articles entered on and after January 1, 1990—17¢/lb. + 23%.
Effective with respect to articles entered on and after January 1, 1991—15¢/lb. + 20%.

[6] For Item 704.90, the rates of duty effective with respect to articles entered on and after January 1, 1988, will be 10¢/lb. + 11%.

[7] For Item 705.40, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.70/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2.45/doz. pairs.

[8] For Item 705.42, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[9] For Item 705.43, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.30/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2/doz. pairs.

[10] For Item 705.45, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[11] For Item 705.46, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[12] For Item 705.48, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.67/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2.42/doz. pairs.

[13] For Item 705.50, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[14] For Item 705.51, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.61/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2.35/doz. pairs.

[15] For Item 705.53, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7. Part I— Continued									
705.54 [2]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[2]
705.55 [3]	$5/doz. pairs	$4.73/doz. pairs	$4.47/doz. pairs	$4.20/doz. pairs	$3.94/doz. pairs	$3.67/doz. pairs	$3.41/doz. pairs	$3.14/doz. pairs	$2.88/doz. pairs.[3]
705.57 [4]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[4]
705.58 [5]	25% ad val	23.9%	22.8%	21.7%	20.6%	19.5%	18.4%	17.3%	16.2%.[5]
705.60 [6]	$6/doz. pairs	$5.64/doz. pairs	$5.28/doz. pairs	$4.92/doz. pairs	$4.56/doz. pairs	$4.20/doz. pairs	$3.84/doz. pairs	$3.48/doz. pairs	$3.12/doz. pairs.[6]
705.63 [7]	30% ad val	28.4%	26.8%	25.2%	23.6%	22%	20.4%	18.8%	17.2%.[7]
705.66 [8]	$6/doz. pairs	$5.64/doz. pairs	$5.28/doz. pairs	$4.92/doz. pairs	$4.56/doz. pairs	$4.20/doz. pairs	$3.84/doz. pairs	$3.48/doz. pairs	$3.12/doz. pairs.[8]
705.67 [9]	$6/doz. pairs	$5.64/doz. pairs	$5.28/doz. pairs	$4.92/doz. pairs	$4.56/doz. pairs	$4.20/doz. pairs	$3.84/doz. pairs	$3.48/doz. pairs	$3.12/doz. pairs.[9]
705.68	35% ad val	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%.
705.70 [10]	30% ad val	28.4%	26.8%	25.2%	23.6%	22%	20.4%	18.8%	17.2%.[10]
705.72 [11]	$7/doz. pairs	$6.67/doz. pairs	$6.35/doz. pairs	$6.02/doz. pairs	$5.70/doz. pairs	$5.37/doz. pairs	$5.05/doz. pairs	$4.72/doz. pairs	$4.40/doz. pairs.[11]
705.73 [12]	22% ad val	21.2%	20.4%	19.6%	18.8%	18%	17.2%	16.4%	15.6%.[12]
705.74 [13]	22% ad val	21.2%	20.4%	19.6%	18.8%	18%	17.2%	16.4%	15.6%.[13]
705.76 [14]	$7/doz. pairs	$6.65/doz. pairs	$6.30/doz. pairs	$5.95/doz. pairs	$5.60/doz. pairs	$5.25/doz. pairs	$4.90/doz. pairs	$4.55/doz. pairs	$4.20/doz. pairs.[14]
705.78 [15]	22% ad val	21.2%	20.4%	19.6%	18.8%	18%	17.2%	16.4%	15.6%.[15]
705.82	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
705.83	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
705.90	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
706.04	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
706.06	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
706.09	10% ad val	9.9%	9.8%	9.6%	9.5%	9.4%	9.3%	9.1%	9%.
706.13	10% ad val	9.8%	9.5%	9.3%	9%	8.8%	8.5%	8.3%	8%.
706.16	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
706.17	25% ad val	24.1%	23.3%	22.4%	21.5%	20.6%	19.8%	18.9%	18%.
706.18	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
706.20	21% ad val	19.4%	17.8%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
706.22	15% ad val	14%	13%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
706.40	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
706.45	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
706.47	17.5% ad val	17.8%	17.5%	15.9%	14.3%	12.7%	11%	9.4%	7.8%.
706.50	22% ad val	20.4%	18.7%	17.1%	15.4%	13.8%	12.1%	10.5%	8.8%.
706.55	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For Item 705.54, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[3] For Item 705.55, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.61/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2.35/doz. pairs.

[4] For Item 705.57, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[5] For Item 705.58, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.1%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[6] For Item 705.60, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.76/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2.40/doz. pairs.

[7] For Item 705.63, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.6%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[8] For Item 705.66, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.76/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2.40/doz. pairs.

[9] For Item 705.67, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$2.76/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$2.40/doz. pairs.

[10] For Item 705.70, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—15.6%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[11] For Item 705.72, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$4.07/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$3.75/doz. pairs.

[12] For Item 705.73, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—14.8%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[13] For Item 705.74, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—14.8%.
Effective with respect to articles entered on and after January 1, 1989—14%.

[14] For Item 705.76, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—$3.85/doz. pairs.
Effective with respect to articles entered on and after January 1, 1989—$3.50/doz. pairs.

[15] For Item 705.78, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—14.8%.
Effective with respect to articles entered on and after January 1, 1989—14%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty.[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 2									
708.01	9.5% ad val	9%	8.5%	8%	7.6%	7.1%	6.6%	6.1%	5.6%.
708.03	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
708.05	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.07	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.09	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
708.21	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
708.23	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
708.25	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.27	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.29	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
708.41	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
708.43	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
708.45	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
708.47	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
708.51	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
708.52	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.56	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.61	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
708.63	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
708.71	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.72	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
708.73	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
708.75	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
708.76	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
708.78	11% ad val	10.2%	9.4%	8.5%	7.7%	6.9%	6.1%	5.2%	4.4%.
708.80	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%
708.82	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
708.85	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
708.87	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
708.89	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
708.91	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.

708.93	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
709.01	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
709.03	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
709.05	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
709.06	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
709.07	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
709.09	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
709.10	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
709.11	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
709.13	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
709.15	18% ad val	16.7%	15.5%	14.2%	13%	11.7%	10.4%	9.2%	7.9%.
709.17	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
709.19	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
709.21	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
709.23	16% ad val	14.8%	13.6%	12.4%	11.2%	10%	8.8%	7.6%	6.4%.
709.25	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
709.27	18% ad val	16.7%	15.5%	14.2%	13%	11.7%	10.4%	9.2%	7.9%.
709.40	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
709.45	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
709.50	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
709.55	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
709.56	18% ad val	16.7%	15.3%	14%	12.6%	11.3%	9.9%	8.6%	7.2%.
709.57	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
709.61	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
709.63	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
709.66	6% ad val	4.7%	4.6%	4.5%	4.4%	4.3%	4.2%	4.1%	4%.
710.04	14% ad val	13%	12%	11%	10%	9%	8%	7%	6%.
710.06	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
710.08	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
710.12	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
710.14	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
710.16	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
710.20	46¢ each + 7% ad val.	42¢ each + 6.5%	39¢ each + 6%	35¢ each + 5.4%	32¢ each + 4.9%	28¢ each + 4.4%	25¢ each + 3.9%	21¢ each + 3.3%	18¢ each + 2.8%.
710.21	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 2—Continued									
710.26	$1.12 each + 17.5% ad val.	$1.03 each + 16.2%.	95¢ each + 15%	87¢ each + 13.7%	79¢ each + 12.5%	71¢ each + 11.2%	63¢ each + 9.9%	55¢ each + 8.7%	47¢ each + 7.4%.
713.27	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
710.30	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
710.34	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
710.36	11% ad val	10.2%	9.4%	8.5%	7.7%	6.9%	6.1%	5.2%	4.4%.
710.40	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
710.42	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
710.46	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
710.50	11% ad val	10.2%	9.4%	8.5%	7.7%	6.9%	6.1%	5.2%	4.4%.
710.60	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
710.61	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
710.63	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
710.65	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
710.67	13% ad val	12.2%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%.
710.69	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
710.70	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
710.72	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
710.76	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
710.78	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
710.80	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
710.86	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
710.88	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
710.90	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
711.04	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
711.06	12.5% ad val	11.6%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
711.25	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
711.30	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
711.31[2]	42.5% ad val	39.7%	36.8%	34%	31.2%	28.3%	25.5%	22.7%	19.8%.[2]
711.32	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
711.36	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
711.40	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
711.42	8% ad val	7.5%	7.1%	6.6%	6.1%	5.6%	5.2%	4.7%	4.2%.
711.45	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
	4.5% ad val	4.3%	4.1%	3.9%	3.7%	3.4%	3.2%	3%	2.8%.

711.55	8% ad val	7.5%	7%	6.5%	6%	5.4%	4.9%	4.4%	3.9%.
711.60	5% ad val	4.8%	4.5%	4.3%	4%	3.8%	3.5%	3.3%	3%.
711.67	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
711.75	$1.12 each +17.5% ad val.	$1.04 each + 16.3%.	96¢ each +15%	88¢ each+13.8%	80¢ each+12.6%	72¢ each+11.3%	64¢ each+10.1%	56¢ each+8.8%	49¢ each+7.6%.
711.77	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
711.78	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
711.86	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
711.88	11% ad val	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%.
711.90	21% ad val	20.3%	19.5%	18.8%	18%	17.3%	16.5%	15.8%	15%.
711.93	27.5% ad val	26.2%	24.9%	23.6%	22.3%	20.9%	19.6%	18.3%	17%.
711.98	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
712.05	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
712.10	46¢ each+7% ad val.	40¢ each+6.7%	34¢ each+6.5%	28¢ each+6.2%	23¢ each+5.9%	17¢ each+5.6%	11¢ each+5.4%	5¢ each+5.1%	4.8%.
712.12	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
712.15	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
712.20	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
712.25	$1.12 each +17.5% ad val.	1.04 each+16.3%	96¢ each+15%	88¢ each+13.8%	80¢ each+12.6%	72¢ each+11.3%	64¢ each+10.1%	56¢ each+8.8%	49¢ each+7.6%.
712.27	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
712.47	6% ad val	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%.
712.49	10% ad val	9.4%	8.7%	8.1%	7.5%	6.8%	6.2%	5.5%	4.9%.
713.05	75¢ each+16% ad val.	69¢ each+14.8%	63¢ each+13.6%	58¢ each+12.4%	52¢ each+11.2%	46¢ each+10%	41¢ each+8.8%	35¢ each+7.6%	30¢ each+6.4%.
713.07	$1.12 each+16% ad val.	98¢ each+14%	84¢ each+12%	70¢ each+10%	56¢ each+8%	45¢ each+6.4%	45¢ each+6.4%	45¢ each+6.4%	45¢ each+6.4%.
713.09	$1.12 each+11% ad val.	$1.03 each +10.2%.	95¢ each+9.4%	86¢ each+8.5%	78¢ each+7.7%	70¢ each+6.9%	61¢ each+6.1%	53¢ each+5.2%	45¢ each+4.4%.
713.11	$1.12 each +17.5% ad val.	$1.03 each +16.2%.	95¢ each+14.9%	86¢ each+13.6%	78¢ each+12.3%	70¢ each+10.9%	61¢ each+9.6%	53¢ each+8.3%	45¢ each+7%.
713.15	22.5% ad val	19.5%	16.5%	14.1%	13%	12%	11%	10%	9%.
713.17	$1.12 each +17.5% ad val.	$1.03 each +16.2%.	95¢ each+14.9%	86¢ each+13.6%	78¢ each+12.3%	70¢ each+10.9%	61¢ each+9.6%	53¢ each+8.3%	45¢ each+7%.
713.19	22.5% ad val	19.5%	16.5%	13.5%	10.5%	9%	9%	9%	9%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 711.31, the rate of duty effective with respect to articles entered on and after January 1, 1980, will be 17%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 2— Continued									
715.20	57¢ each+8.5% ad val.+3.5¢ for each jewel, if any.	54¢ each +8.1% +3.3¢ for each jewel, if any.	51¢ each +7.6% +3.1¢ for each jewel, if any.	48¢ each +7.2% +2.9¢ for each jewel, if any.	45¢ each +6.7% +2.7¢ for each jewel, if any.	42¢ each +6.3% +2.5¢ for each jewel, if any.	39¢ each +5.9% +2.3¢ for each jewel, if any.	36¢ each +5.4% +2.1¢ for each jewel, if any.	34¢ each +5% +2¢ for each jewel, if any.
715.25[2]	13.5¢ each+16% ad val.+6.25¢ for each jewel, if any.	12.6¢ each +14.9% +5.8¢ for each jewel, if any.	11.7¢ each +13.9% +5.4¢ for each jewel, if any.	10.8¢ each +12.8% +5¢ for each jewel, if any.	9.9¢ each +11.7% +4.5¢ for each jewel, if any.	9.1¢ each +10.7% +4.1¢ for each jewel, if any.	8.2¢ each +9.6% +3.7¢ for each jewel, if any.	7.3¢ each +8.5% +3.3¢ for each jewel, if any.	6.4¢ each +7.5% +2.9¢ for each jewel, if any.[2]
715.27	25¢ each+16% ad val.+6.25¢ for each jewel, if any.	23¢ each +14.8% +5.7¢ for each jewel, if any.	21¢ each +13.6% +5.3¢ for each jewel, if any.	19¢ each +12.4% +4.8¢ for each jewel, if any.	17¢ each +11.2% +4.3¢ for each jewel, if any.	15¢ each +10% +3.9¢ for each jewel, if any.	13¢ each +8.8% +3.4¢ for each jewel, if any.	11¢ each +7.6% +2.9¢ for each jewel, if any.	10¢ each +6.4% +2.5¢ for each jewel, if any.
715.29	37.5¢ each+16% ad val.+6.25¢ for each jewel, if any.	34¢ each +14.8% +5.7¢ for each jewel, if any.	31¢ each +13.6% +5.3¢ for each jewel, if any.	29¢ each +12.4% +4.8¢ for each jewel, if any.	26¢ each +11.2% +4.3¢ for each jewel, if any.	23¢ each +10% +3.9¢ for each jewel, if any.	20¢ each +8.8% +3.4¢ for each jewel, if any.	17¢ each +7.6% +2.9¢ for each jewel, if any.	15¢ each +6.4% +2.5¢ for each jewel, if any.
715.31	75¢ each+16% ad val.+6.25¢ for each jewel, if any.	69¢ each +14.8% +5.7¢ for each jewel, if any.	63¢ each +13.6% +5.3¢ for each jewel, if any.	58¢ each +12.4% +4.8¢ for each jewel, if any.	52¢ each +11.2% +4.3¢ for each jewel, if any.	46¢ each +10% +3.9¢ for each jewel, if any.	41¢ each +8.8% +3.4¢ for each jewel, if any.	35¢ each +7.6% +2.9¢ for each jewel, if any.	30¢ each +6.4% +2.5¢ for each jewel, if any.
715.33	$1,12 each+16% ad val.+6.25 for each jewel, if any.	$1.03¢ each +14.8% +5.7¢ for each jewel, if any.	95¢ each +13.6% +5.3¢ for each jewel, if any.	86¢ each +12.4% +4.8¢ for each jewel, if any.	78¢ each +11.2% +4.3¢ for each jewel, if any.	70¢ each +10% +3.9¢ for each jewel, if any.	61¢ each +8.8% +3.4¢ for each jewel, if any.	53¢ each +7.6% +2.9¢ for each jewel, if any.	45¢ each +6.4% +2.5¢ for each jewel, if any.
715.40	90¢ each+13% ad val.+5¢ for each jewel, if any.	83¢ each +12% +4.6¢ for each jewel, if any.	76¢ each +11% +4.2¢ for each jewel, if any.	69¢ each +10.1% +3.8¢ for each jewel, if any.	63¢ each +9.1% +3.5¢ for each jewel, if any.	56¢ each +8.1% +3.1¢ for each jewel, if any.	49¢ each +7.1% +2.7¢ for each jewel, if any.	42¢ each +6.2% +2.3¢ for each jewel, if any.	36¢ each +5.2% +2¢ for each jewel, if any.
715.45	13.75¢ each+16% ad val.+6.25¢ for each jewel, if any.	12.7¢ each +14.8% +5.7¢ for each jewel, if any.	11.6¢ each +13.6% +5.3¢ for each jewel, if any.	10.6¢ each +12.4% +4.8¢ for each jewel, if any.	9.6¢ each +11.2% +4.3¢ for each jewel, if any.	8.5¢ each +10% +3.9¢ for each jewel, if any.	7.5¢ each +8.8% +3.4¢ for each jewel, if any.	6.5¢ each +7.6% +2.9¢ for each jewel, if any.	5.5¢ each +6.4% +2.5¢ for each jewel, if any.

715.47	25¢ each+16% ad val.+6.25¢ for each jewel, if any.	23¢ each +14.8% +5.7¢ for each jewel, if any.	21¢ each +13.6% +5.3¢ for each jewel, if any.	19¢ each +12.4% +4.8¢ for each jewel, if any.	17¢ each +11.2% +4.3¢ for each jewel, if any.	15¢ each +10% +3.9¢ for each jewel, if any.	13¢ each +8.8% +3.4¢ for each jewel, if any.	11¢ each +7.6% +2.9¢ for each jewel, if any.	10¢ each +6.4% +2.5¢ for each jewel, if any.
715.49	37.5¢ each+16% ad val.+6.25¢ for each jewel, if any.	34¢ each +14.8% +5.7¢ for each jewel, if any.	31¢ each +13.6% +5.3¢ for each jewel, if any.	29¢ each +12.4% +4.8¢ for each jewel, if any.	26¢ each +11.2% +4.3¢ for each jewel, if any.	23¢ each +10% +3.9¢ for each jewel, if any.	20¢ each +8.8% +3.4¢ for each jewel, if any.	17¢ each +7.6% +2.9¢ for each jewel, if any.	15¢ each +6.4% +2.5¢ for each jewel, if any.
715.51	75¢ each+16% ad val.+6.25¢ for each jewel, if any.	69¢ each +14.8% +5.7¢ for each jewel, if any.	63¢ each +13.6% +5.3¢ for each jewel, if any.	58¢ each +12.4% +4.8¢ for each jewel, if any.	52¢ each +11.2% +4.3¢ for each jewel, if any.	46¢ each +10% +3.9¢ for each jewel, if any.	41¢ each +8.8% +3.4¢ for each jewel, if any.	35¢ each +7.6% +2.9¢ for each jewel, if any.	30¢ each +6.4% +2.5¢ for each jewel, if any.
715.53	$1.12 each+17.5% ad val.+6.25¢ for each jewel, if any.	$1.03 each +16.2% +5.7¢ for each jewel, if any.	95¢ each +14.9% +5.3¢ for each jewel, if any.	86¢ each +13.6% +4.8¢ for each jewel, if any.	78¢ each +12.2% +4.3¢ for each jewel, if any.	70¢ each +10.9% +3.9¢ for each jewel, if any.	61¢ each +9.6% +3.4¢ for each jewel, if any.	53¢ each +8.3% +2.9¢ for each jewel, if any.	45¢ each +7% +2.5¢ for each jewel, if any.
715.60	13.75¢ each+16% ad val.+6.25¢ for each jewel, if any.	12.7¢ each +14.8% +5.7¢ for each jewel, if any.	11.6¢ each +13.6% +5.3¢ for each jewel, if any.	10.6¢ each +12.4% +4.8¢ for each jewel, if any.	9.6¢ each +11.2% +4.3¢ for each jewel, if any.	8.5¢ each +10% +3.9¢ for each jewel, if any.	7.5¢ each +8.8% +3.4¢ for each jewel, if any.	6.5¢ each +7.6% +2.9¢ for each jewel, if any.	5.5¢ each +6.4% +2.5¢ for each jewel, if any.
715.62	25¢ each+16% ad val.+6.25¢ for each jewel, if any.	23¢ each +14.8% +5.7¢ for each jewel, if any.	21¢ each +13.6% +5.3¢ for each jewel, if any.	19¢ each +12.4% +4.8¢ for each jewel, if any.	17¢ each +11.2% +4.3¢ for each jewel, if any.	15¢ each +10% +3.9¢ for each jewel, if any.	13¢ each +8.8% +3.4¢ for each jewel, if any.	11¢ each +7.6% +2.9¢ for each jewel, if any.	10¢ each +6.4% +2.5¢ for each jewel, if any.
715.64	37.5¢ each+10% ad val.+6.25¢ for each jewel if any.	34¢ each +9.2% +5.7¢ for each jewel, if any.	31¢ each +8.5% +5.3¢ for each jewel, if any.	29¢ each + 7.7% +4.8¢ for each jewel, if any.	26¢ each +7% +4.3¢ for each jewel, if any.	23¢ each +6.2% +3.9¢ for each jewel, if any.	20¢ each +5.5% +3.4¢ for each jewel, if any.	17¢ each +4.7% +2.9¢ for each jewel, if any.	15¢ each +4% +2.5¢ for each jewel, if any.
715.66	75¢ each+10% ad val.+6.25¢ for each jewel, if any.	69¢ each +9.2% +5.7% for each jewel, if any.	63¢ each +8.5% +5.3¢ for each jewel, if any.	58¢ each +7.7% +4.8% for each jewel, if any.	52¢ each +7% +4.3¢ for each jewel, if any.	46¢ each +6.2% +3.9¢ for each jewel, if any.	41¢ each +5.5% +3.4¢ for each jewel, if any.	35¢ each +4.7% +2.9¢ for each jewel, if any.	30¢ each +4% +2.5¢ for each jewel, if any.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 715.25, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 5.5¢ each + 6.4% + 2.5¢ for each jewel, if any.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7. Part 2— Continued									
715.88	$1.12 each + 10% ad val. + 6.25¢ for each jewel, if any.	$1.03 each + 14.8% + 5.7¢ for each jewel, if any.	95¢ each + 13.6% + 5.3¢ for each jewel, if any.	86¢ each + 12.4% + 5.3¢ for each jewel, if any.	78¢ each + 11.2% + 4.8¢ for each jewel, if any.	70¢ each + 10% + 3.9¢ for each jewel, if any.	61¢ each + 8.8% + 3.4¢ for each jewel, if any.	53¢ each + 7.6% + 2.9¢ for each jewel, if any.	45¢ each + 6.4% + 2.5¢ for each jewel, if any.
716.08	$5.37 each	$4.73 each	$4.08 each	$3.44 each	$2.79 each	$2.15 each	$2.15 each	$2.15 each	$2.15 each.
716.10 [2]	90¢ each	79¢ each	68¢ each	58¢ each	47¢ each	36¢ each	(2)	(2)	(2)
716.18 [2]	75¢ each	67¢ each	59¢ each	52¢ each	44¢ each	36¢ each	(2)	(2)	(2)
716.20 [3]	$1.80 each	$1.58 each	$1.37 each	$1.15 each	94¢ each	72¢ each	(3)	(3)	(3)
716.27 [3]	$1.35 each	$1.22 each	$1.10 each	97¢ each	85¢ each	72¢ each	(3)	(3)	(3)
716.28 [3]	$1.20 each	$1.10 each	$1 each	91¢ each	82¢ each	72¢ each	(3)	(3)	(3)
716.29 [3]	90¢ each	86¢ each	83¢ each	79¢ each	76¢ each	72¢ each	(3)	(3)	(3)
716.41 [4]	$1.80 each + 9¢ for each jewel over 7.	$1.58 each + 8¢ for each jewel over 7.	$1.38 each + 7¢ for each jewel over 7.	$1.15 each + 6¢ for each jewel over 7.	93¢ each + 5¢ for each jewel over 7.	72¢ each + 4¢ for each jewel over 7.	(4)	(4)	(4)
716.42 [4]	$1.35 each + 9¢ for each jewel over 7.	$1.22 each + 8¢ for each jewel over 7.	$1.09 each + 7¢ for each jewel over 7.	97¢ each + 6¢ for each jewel over 7.	84¢ each + 5¢ for each jewel over 7.	72¢ each + 4¢ for each jewel over 7.	(4)	(4)	(4)
716.43 [4]	$1.20 each + 9¢ for each jewel over 7.	$1.10 each + 8¢ for each jewel over 7.	$1 each + 7¢ for each jewel over 7.	91¢ each + 6¢ for each jewel over 7.	81¢ each + 5¢ for each jewel over 7.	72¢ each + 4¢ for each jewel over 7.	(4)	(4)	(4)
716.44 [4]	90¢ each + 9¢ for each jewel over 7.	88¢ each + 8¢ for each jewel over 7.	82¢ each + 7¢ for each jewel over 7.	79¢ each + 6¢ for each jewel over 7.	75¢ each + 5¢ for each jewel over 7.	72¢ each + 4¢ for each jewel over 7.	(4)	(4)	(4)
719.—	Column 1 base rate + 50¢ each if self-winding + 50¢ for each adjustment.	Column 1 base rate + 47¢ each if self-winding + 47¢ for each adjustment.	Column 1 base rate + 44¢ each if self-winding + 44¢ for each adjustment.	Column 1 base rate + 41¢ each if self-winding + 41¢ for each adjustment.	Column 1 base rate + 38¢ each if self-winding + 38¢ for each adjustment.	Column 1 base rate + 35¢ each if self-winding + 35¢ for each adjustment.	Column 1 base rate + 35¢ each if self-winding + 35¢ for each adjustment.	Column 1 base rate + 35¢ each if self-winding + 35¢ for each adjustment.	Column 1 base rate + 35¢ each if self-winding + 35¢ for each adjustment.
720.02	37¢ each	36¢ each	35¢ each	34¢ each	33¢ each	32¢ each	32¢ each	31¢ each	30¢ each.
720.04	62¢ each + 6.75¢ for each jewel over 7.	61¢ each + 6.5¢ for each jewel over 7.	60¢ each + 6.4¢ for each jewel over 7.	59¢ each + 6.2¢ for each jewel over 7.	57¢ each + 6.1¢ for each jewel over 7.	56¢ each + 5.9¢ for each jewel over 7.	55¢ each + 5.8¢ for each jewel over 7.	54¢ each + 5.6¢ for each jewel over 7.	53¢ each + 5.5¢ for each jewel over 7.
720.06	75¢ each	73¢ each	7[illegible] each	69¢ each	67¢ each	65¢ each	64¢ each	62¢ each	60¢ each.

720.08	$1 each + 6.75¢ for each jewel over 7.	98¢ each + 6.5¢ for each jewel over 7.	96¢ each + 6.4¢ for each jewel over 7.	94¢ each + 6.2¢ for each jewel over 7.	92¢ each + 6.1¢ for each jewel over 7.	90¢ each + 5.9¢ for each jewel over 7.	88¢ each + 5.8¢ for each jewel over 7.	86¢ each + 5.6¢ for each jewel over 7.	85¢ each + 5.5¢ for each jewel over 7.
720.10	13.75¢ each + 16% ad val. + 6.25¢ for each jewel, if any.	12.7¢ each + 14.8% + 5.7¢ for each jewel, if any.	11.6¢ each + 13.6% + 5.3¢ for each jewel, if any.	10.6¢ each + 12.4% + 4.8¢ for each jewel, if any.	9.6¢ each + 11.2% + 4.3¢ for each jewel, if any.	8.5¢ each + 10% + 3.9¢ for each jewel, if any.	7.5¢ each + 8.8% + 3.4¢ for each jewel, if any.	6.5¢ each + 7.6% + 2.9¢ for each jewel, if any.	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any.
720.12	25¢ each + 16% ad val. + 6.25¢ for each jewel, if any.	23¢ each + 14.8% + 5.7¢ for each jewel, if any.	21¢ each + 13.6% + 5.3¢ for each jewel, if any.	19¢ each + 12.4% + 4.8¢ for each jewel, if any.	17¢ each + 11.2% + 4.3¢ for each jewel, if any.	15¢ each + 10% + 3.9¢ for each jewel, if any.	13¢ each + 8.8% + 3.4¢ for each jewel, if any.	11¢ each + 7.6% + 2.9¢ for each jewel, if any.	10¢ each + 6.4% + 2.5¢ for each jewel, if any.
720.14	37.5¢ each + 16% ad val. + 6.25¢ for each jewel, if any.	34¢ each + 14.8% + 5.7¢ for each jewel, if any.	31¢ each + 13.6% + 5.3¢ for each jewel, if any.	29¢ each + 12.4% + 4.8¢ for each jewel, if any.	26¢ each + 11.2% + 4.3¢ for each jewel, if any.	23¢ each + 10% + 3.9¢ for each jewel, if any.	20¢ each + 8.8% + 3.4¢ for each jewel, if any.	17¢ each + 7.6% + 2.9¢ for each jewel, if any.	15¢ each + 6.4% + 2.5¢ for each jewel, if any
720.16	75¢ each + 16% ad val. + 6.25¢ for each jewel, if any.	69¢ each + 14.8% + 5.7¢ for each jewel, if any.	63¢ each + 13.6% + 5.3¢ for each jewel, if any.	58¢ each + 12.4% + 4.8¢ for each jewel, if any.	52¢ each + 11.2% + 4.3¢ for each jewel, if any.	46¢ each + 10% + 3.9¢ for each jewel, if any.	41¢ each + 8.8% + 3.4¢ for each jewel, if any.	35¢ each + 7.6% + 2.9¢ for each jewel, if any.	30¢ each + 6.4% + 2.5¢ for each jewel, if any.
720.18	$1.125 each + 16% ad val. + 6.25¢ for each jewel, if any.	$1.04 each + 14.8% + 5.7¢ for each jewel, if any.	95¢ each + 13.6% + 5.3¢ for each jewel, if any.	87¢ each + 12.4% + 4.8¢ for each jewel, if any.	78¢ each + 11.2% + 4.3¢ for each jewel, if any.	70¢ each + 10% + 3.9¢ for each jewel, if any.	61¢ each + 8.8% + 3.4¢ for each jewel, if any.	53¢ each + 7.6% + 2.9¢ for each jewel, if any.	45¢ each + 6.4% + 2.5¢ for each jewel, if any.
720.20	37¢ each + 15% ad val.	34¢ each + 13.8%	31¢ each + 12.7%	28¢ each + 11.6%	26¢ each + 10.5%	23¢ each + 9.3%	20¢ each + 8.2%	17¢ each + 7.1%	15¢ each + 6%.
720.21	16¢ each + 15% ad val.	15¢ each + 14.1%	13¢ each + 13.3%	11¢ each + 12.4%	9¢ each + 11.5%	6¢ each + 10.6%	4¢ each + 9.8%	2¢ each + 8.9%	8%.
720.22	20% ad val.	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
720.24	20¢ each + 15% ad val.	18.5¢ each + 13.9%.	17¢ each + 12.8%	15.5¢ each + 11.6%.	14¢ each + 10.5%	12.5¢ each + 9.4%	11¢ each + 8.3%	9.5¢ each + 7.1%	8¢ each + 6%.
720.25	10¢ each + 15% ad val.	9¢ each + 13.9%	8.5¢ each + 12.8%	7.5¢ each + 11.6%	7¢ each + 10.5%	6¢ each + 9.4%	5.5¢ each + 8.3%	4.5¢ each + 7.1%	4¢ each + 6%.
720.26	15% ad val.	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] Items 716.10 and 716.18 are discontinued effective January 1, 1985, and are transferred to new item 716.09. See Annex II, Section H.

[3] Item 716.20, 716.27, 716.28 and 716.29 are discontinued effective January 1, 1985, and are transferred to new item 716.17. See Annex II, Section H.

[4] Items 716.41, 716.42, 716.43 and 716.44 are discontinued effective January 1, 1985, and are transferred to new item 716.45. See Annex II, Section E.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 2— Continued									
720.28	5¢ each + 10% ad val.	4.8¢ each + 9.8%	4.7¢ each + 9.6%	4.6¢ each + 9.4%	4.5¢ each + 9.3%	4.3¢ each + 9.1%	4.2¢ each + 8.9%	4.1¢ each + 8.7%	4¢ each + 8.5%.
720.29	2.5¢ each + 10% ad val.	2.4¢ each + 9.8%	2.3¢ each + 9.6%	2.3¢ each + 9.4%	2.2¢ each + 9.3%	2.1¢ each + 9.1%	2.1¢ each + 8.9%	2¢ each + 8.7%	2¢ each + 8.5%.
720.30	9.5% ad val	9.3%	9.2%	9%	8.8%	8.6%	8.5%	8.3%	8.1%.
720.32	18.5% ad val	17.1%	15.7%	14.3%	13%	11.6%	10.2%	8.8%	7.4%.
720.33	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
720.34	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
720.36	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
720.40	1.2¢ each + 22.5% ad val.	1.1¢ each + 20.8%	1¢ each + 19.1%	0.9¢ each + 17.4%	0.8¢ each + 15.8%	0.7¢ each + 14.1%	0.6¢ each + 12.4%	0.6¢ each + 10.7%	0.5¢ each + 9%.
720.42	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
720.44	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
720.60	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
720.70	17.5¢ each assembly.	16¢ each assembly.	15¢ each assembly.	13¢ each assembly.	12¢ each assembly.	11¢ each assembly.	9¢ each assembly.	8¢ each assembly.	7¢ each assembly.
720.75	22.5% ad val	20.8%	19.1%	17.4%	15.7%	14.1%	12.4%	10.7%	9%.
720.80	The column 1 rate specified in item 720.67 for the plate or plates +12.5¢ for each jewel (if any) +2.5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly	The column 1 rate specified in item 720.67 for the plate or plates +11.5¢ for each jewel (if any) +2.3¢ for each other part or piece (if any), but the total duty on the assembly or subassembly	The column 1 rate specified in item 720.67 for the plate or plates +10.6¢ for each jewel (if any) +2.1¢ for each other part or piece (if any), but the total duty on the assembly or subassembly	The column 1 rate specified in item 720.67 for the plate or plates + 9.6¢ for each jewel (if any) + 1.9¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not	The column 1 rate specified in item 720.67 for the plate or plates + 8.7¢ for each jewel (if any) + 1.7¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not	The column 1 rate specified in item 720.67 for the plate or plates + 7.8¢ for each jewel (if any) + 1.5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not	The column 1 rate specified in item 720.67 for the plate or plates + 6.8¢ for each jewel (if any) + 1.3¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not	The column 1 rate specified in item 720.67 for the plate or plates + 5.9¢ for each jewel (if any) + 1.1¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not	The column 1 rate specified in item 720.67 for the plate or plates + 5¢ for each jewel (if any) + 1¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not

	shall not exceed the column 1 duty for the complete movement.	shall not exceed the column 1 duty for the complete movement.	shall not exceed the column 1 duty for the complete movement.	exceed the column 1 duty for the complete movement.	exceed the column 1 duty for the complete movement.	exceed the column 1 duty for the complete movement.	exceed the column 1 duty for the complete movement.	exceed the column 1 duty for the complete movement.	exceed the column 1 duty for the complete movement.
720.82	The column 1 rate specified in item 720.67 for the plate or plates +6.25¢ for each jewel (if any) +1.25¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The colum 1 rate specified in item 720.67 for the plate or plates+5.7¢ for each jewel (if any)+1.2¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 1 rate specified in item 720.67 for the plate or plates+5.3¢ for each jewel (if any)+ 1.1¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 1 rate specified in item 720.67 for the plate or plates+4.8¢ for each jewel (if any)+1¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 1 rate specified in item 720.67 for the plate or plates+4.3¢ for each jewel (if any)+0.9¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 1 rate specified in item 720.67 for the plate or plates+3.9¢ for each jewel (if any)+0.8¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 1 rate specified in item 720.67 for the plate or plates+3.4¢ for each jewel (if any)+0.7¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 1 rate specified in item 720.67 for the plate or plates+2.9¢ for each jewel (if any)+0.6¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 1 rate specified in item 720.67 for the plate or plates+2.5¢ for each jewel (if any)+0.5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.
720.84	32.5% ad val.+12.5¢ for each jewel (if any)+1.5¢ for each other piece or part.	30.1%+11.5¢ for each jewel (if any)+1.3¢ for each other piece or part.	27.8%+10.6¢ for each jewel (if any)+1.2¢ for each other piece or part.	25.2%+9.6¢ for each jewel (if any)+1.1¢ for each other piece or part.	22.8%+8.7¢ for each jewel (if any)+1¢ for each other piece or part.	20.3%+7.8¢ for each jewel (if any)+0.9¢ for each other piece or part.	17.9%+6.8¢ for each jewel (if any)+0.8¢ for each other piece or part.	15.4%+5.9¢ for each jewel (if any)+0.7¢ for each other piece or part.	13%+5¢ for each jewel (if any)+0.6¢ for each other piece or part.
720.86	16% ad val.+6.25¢ for each jewel (if any)+0.75¢ for each other piece or part.	14.8%+5.7¢ for each jewel (if any)+0.69¢ for each other piece or part.	13.6%+5.3¢ for each jewel (if any)+0.63¢ for each other piece or part.	12.4%+4.8¢ for each jewel (if any)+0.58¢ for each other piece or part.	11.2%+4.3¢ for each jewel (if any)+0.52¢ for each other piece or part.	10%+3.9¢ for each jewel (if any)+0.47¢ for each other piece or part.	8.8%+3.4¢ for each jewel (if any)+0.41¢ for each other piece or part.	7.6%+2.9¢ for each jewel (if any)+0.35¢ for each other piece or part.	6.4%+2.5¢ for each jewel (if any)+0.3¢ for each other piece or part.
720.90	27.5% ad val	25.4%	23.4%	21.3%	19.3%	17.2%	15.1%	13.1%	11%.
720.92	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
720.94	16% ad val	14.8%	13.6%	12.4%	11.2%	10%	8.8%	7.6%.	6.4%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 2— Continued									
721.05	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
721.10	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
721.12	11% ad val	10.2%	9.4%	8.5%	7.7%	6.9%	6.1%	5.2%	4.4%.
722.02	12% ad val	11.1%	10.1%	9.2%	8.3%	7.3%	6.4%	5.4%	4.5%.
722.04	6% ad val	5.8%	5.6%	5.4%	5.3%	5.1%	4.9%	4.7%	4.5%.
722.10	12.5% ad val	11.6%	10.6%	9.7%	8.7%	7.8%	6.9%	5.9%	5%.
722.12	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
722.14	17% ad val	15.7%	14.5%	13.2%	11.9%	10.6%	9.4%	8.1%	6.8%.
722.16	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
722.18	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
722.30	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
722.32	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
722.34	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.2%	5.8%.
722.40	17.5% ad val	17.5%	17.5%	15.8%	14%	12.3%	10.5%	8.8%	7%.
722.42	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2%.
722.44	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
722.46	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
722.50	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
722.52	17.51% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
722.55	22.5% ad val	22.5%	22.5%	20.3%	18%	15.8%	13.5%	11.3%	9%.
722.56	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
722.60	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
722.64	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
722.70	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
722.72	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
722.75	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
722.78	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
722.80	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
722.82	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
722.83	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
722.85	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
722.86	5.5% ad val	5.1%	4.7%	4.3%	3.9%	3.4%	3%	2.6%	2.2%.
722.88	10¢ per lb. + 8.5% ad val.	9.3¢/lb. + 8%	8.7¢/lb. + 7.5%	8.1¢/lb. + 7%	7.5¢/lb. + 6.5%	6.8¢/lb. + 6%	6.2¢/lb. + 5.5%	5.6¢/lb. + 5%	5¢/lb. + 4.5%.
722.90	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
722.92	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.

722.94	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
722.96	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
723.05	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
723.10	0.5¢ per 16.5 sq. in.	0.04¢/16.5 sq. in	0.04¢/16.5 sq. in	0.03¢/16.5 sq. in	0.02¢/16.5 sq. in	0.02¢/16.5 sq. in	0.01¢/16.5 sq. in	Free	Free.
723.15	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
723.20	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
723.25	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
723.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
723.32	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
723.35	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
724.10	0.48¢ per lin. ft	0.42¢/lin. ft	0.36¢/lin. ft	0.3¢/lin. ft	0.24¢/lin. ft	0.18¢/lin. ft	0.12¢/lin. ft	0.06¢/lin. ft	Free.
724.12	0.4¢ per lin. ft	0.37¢/lin. ft	0.35¢/lin. ft	0.32¢/lin. ft	0.3¢/lin. ft	0.27¢/lin. ft	0.25¢/lin. ft	0.22¢/lin. ft	0.2¢/lin. ft.
724.20	0.5¢ per lin. ft	0.46¢/lin. ft	0.42¢/lin. ft	0.39¢/lin. ft	0.35¢/lin. ft	0.31¢/lin. ft	0.27¢/lin. ft	0.24¢/lin. ft	0.2¢/lin. ft.
724.25	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
724.35	0.4¢ per lin. ft	0.37¢/lin. ft	0.35¢/lin. ft	0.32¢/lin. ft	0.3¢/lin. ft	0.27¢/lin. ft	0.25¢/lin. ft	0.22¢/lin. ft	0.2¢/lin. ft.
724.40	1¢ per sq. ft. of recording surface.	1¢/sq. ft. of recording surface.	0.9¢/sq. ft. of recording surface.	0.9¢/sq. ft. of recording surface.	0.9¢/sq. ft. of recording surface.	0.9¢/sq. ft. of recording surface.	0.9¢/sq. ft. of recording surface.	0.9¢/sq. ft. of recording surface.	0.9¢/sq. ft. of recording surface.
724.45	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
Schedule 7, Part 3.									
725.01	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
725.03	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
725.04	25¢ each + 7% ad val.	21¢ each + 6.7%	18¢ each + 6.5%	15¢ each + 6.2%	12¢ each + 6%	9¢ each + 5.7%	6¢ each + 5.4%	3¢ each + 5.2%	4.9%.
725.05	17% ad val	15.7%	14.5%	13.2%	11.9%	10.6%	9.4%	8.1%	6.8%.
725.07	17% ad val	16.5%	16%	15.5%	15%	14.5%	14%	13.5%	13%.
725.08	17% ad val	15.8%	14.5%	13.3%	12%	10.8%	9.5%	8.3%	7%.
725.10	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
725.12	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
725.14	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
725.16	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
725.18	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
725.20	30% ad val	27%	24%	21%	18%	15%	12%	12%	12%.
725.22	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 3—Continued									
725.24	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
725.28	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
725.30	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
725.32	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
725.34	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
725.36	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
725.38	3% ad val	2.6%	2.3%	1.9%	1.5%	1.1%	0.8%	0.4%	Free.
725.40	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
725.46	17% ad val	15.7%	14.5%	13.2%	11.9%	10.6%	9.4%	8.1%	6.8%.
725.47	17% ad val	15.7%	14.5%	13.2%	11.9%	10.6%	9.4%	8.1%	6.8%.
725.50	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
725.52	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
726.10	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
726.15	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
726.20	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
726.25	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
726.40	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
726.45	17¢ per 1000 pins +6% ad val.	16¢/1000 pins +5.7%.	15¢/1000 pins +5.4%.	14¢/1000 pins +5.1%.	13¢/1000 pins +4.8%.	12¢/1000 pins +4.4%.	11¢/1000 pins +4.1%.	10¢/1000 pins +3.8%.	10¢/1000 pins +3.5%.
726.50	7% ad val	6.6%	6.3%	5.9%	5.5%	5.1%	4.8%	4.4%	4%.
726.52	8% ad val	7.6%	7.1%	6.7%	6.2%	5.8%	5.3%	4.9%	4.4%.
726.55	17% ad val	15.7%	14.4%	13.1%	11.8%	10.5%	9.2%	7.9%	6.6%.
726.60	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
726.62	5% ad val	4.8%	4.6%	4.3%	4.1%	3.9%	3.7%	3.4%	3.2%.
726.63	7% ad val	6.6%	6.3%	5.9%	5.5%	5.1%	4.8%	4.4%	4%.
726.65	10% ad val	9.4%	8.8%	8.1%	7.5%	6.9%	6.3%	5.6%	5%.
726.70	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
726.75	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
726.85	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
726.90	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
Schedule 7, Part 4									
727.02	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
727.04	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
727.06	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.

727.15	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
727.23	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
727.25	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
727.27	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
727.29	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
727.35	5% ad val	4.7%	4.4%	4.1%	3.8%	3.4%	3.1%	2.8%	2.5%.
727.40	8.5% ad val	8.5%	8.5%	8%	7.4%	6.9%	6.4%	5.8%	5.3%.
727.45	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
727.47	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
727.50	6% ad val	3%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%.
727.52	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
727.55	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.7%	4%.
727.82	15% ad val	15%	12%	9%	6%	6%	6%	6%	6%.
727.86	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
728.05	10.5% ad val	10.5%	10.5%	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%.
728.10	6% ad val	6%	6%	5.7%	5.4%	5.1%	4.8%	4.5%	4.2%.
728.15	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
728.20	2.5¢ per lb	2.2¢/lb	1.9¢/lb	1.6¢/lb	1.3¢/lb	0.9¢/lb	0.6¢/lb	0.3¢/lb	Free
Schedule 7, Part 5									
730.05	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
730.15[2]	$1 each + 27.5% ad val.	94¢ each + 25.9%	88¢ each + 24.2%	82¢ each + 22.6%	76¢ each + 20.9%	70¢ each + 19.3%	64¢ each + 17.6%	58¢ each + 16%	52¢ each + 14.3%.[2]
730.17	67¢ each + 15% ad val.	61¢ each + 13.6%	55¢ each + 12.2%	49¢ each + 10.8%	43¢ each + 9.4%	37¢ each + 8%	31¢ each + 6.6%	27¢ each + 6%	27¢ each + 6%.
730.19	70¢ each + 11% ad val.	64¢ each + 10.4%	59¢ each + 9.8%	53¢ each + 9.1%	48¢ each + 8.5%	43¢ each + 7.9%	37¢ each + 7.3%	32¢ each + 6.6%	27¢ each + 6%.
730.23	19.5% ad val	18.1%	16.7%	15.2%	13.8%	12.4%	11%	9.5%	8.1%.
730.25	22.7% ad val	21%	19.3%	17.6%	15.9%	14.2%	12.5%	10.8%	9.1%.
730.27	15.7% ad val	14.5%	13.4%	12.2%	11%	9.8%	8.6%	7.5%	6.3%.
730.29	18.2% ad val	16.9%	15.5%	14.2%	12.9%	11.5%	10.2%	8.8%	7.5%.
730.31	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
730.37	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
730.39	20.8% ad val	19.3%	17.7%	16.2%	14.6%	13.1%	11.5%	10%	8.4%.
730.41	13.2% ad val	12.2%	11.2%	10.2%	9.3%	8.3%	7.3%	6.3%	5.3%.
730.43	8.2% ad val	7.6%	7%	6.4%	5.8%	5.1%	4.5%	3.9%	3.3%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 730.15, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988—46¢ each + 12.6%.

Effective with respect to articles entered on and after January 1, 1989—40¢ each + 11%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 5— Continued									
730.45	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
730.51	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
730.53	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
730.55	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
730.57	13.5% ad val	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%	6.4%	5.4%.
730.59	13.5% ad val	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%	6.4%	5.4%.
730.61	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
730.63	13.9% ad val	13%	12.2%	13.3%	10.4%	9.6%	8.7%	7.9%	7%.
730.65	80¢ each + 10% ad val.	74¢ each + 9.2%	68¢ each + 8.5%	62¢ each + 7.7%	56¢ each + 7%	50¢ each + 6.2%	44¢ each + 5.5%	38¢ each + 4.7%	32¢ each + 4%.
730.67	9% ad val	8.3%	7.6%	7%	6.3%	5.6%	4.9%	4.3%	3.6%.
730.71	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
730.73	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
730.74	5.7% ad val	5.3%	4.9%	4.4%	4%	3.6%	3.2%	2.7%	2.3%.
730.75	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
730.77	13.5% ad val	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%	6.4%	5.4%.
730.80	21% ad val	19.5%	17.9%	16.3%	14.8%	13.2%	11.6%	10%	8.4%.
730.81	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
730.85	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
730.86	4.5% ad val	4.4%	4.2%	4.1%	4%	3.6%	3.7%	3.5%	3.4%.
730.88	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
730.90	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
730.91	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
730.92	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.
730.93	9% ad val	8.3%	7.78%	7%	6.3%	5.6%	5%	4.3%	3.6%.
731.05	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
731.06	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
731.10	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
731.15	16.5% ad val	15.4%	14.3%	13.2%	12.1%	10.9%	9.8%	8.7%	7.6%.
731.20	23% ad val	21.3%	19.6%	17.8%	16.1%	14.4%	12.7%	10.9%	9.2%.
731.22	62.5¢ each	58¢ each	54¢ each	50¢ each	46¢ each	42¢ each	38¢ each	34¢ each	30¢ each.
731.24	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
731.26	13.5% ad val	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%	6.4%	5.4%.
731.30	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
731.40	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
731.42	6.5% ad val	6.2%	6%	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.

731.44	13.5% ad val	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%	6.4%	5.4%.
731.50	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
731.65	12.5% ad val	12.1%	11.6%	11.2%	10.8%	10.3%	9.9%	9.4%	9%.
731.70	12.5% ad val	12.1%	11.6%	11.2%	10.8%	10.3%	9.9%	9.4%	9%.
732.04	93.5¢ each	87¢ each	81¢ each	75¢ each	69¢ each	63¢ each	57¢ each	51¢ each	45¢ each.
732.10	$1.50 each	$1.38 each	$1.27 each	$1.16 each	$1.05	93¢ each	82¢ each	71¢ each	60¢ each.
732.16	93¢ each	89¢ each	86¢ each	82¢ each	79¢ each	75¢ each	72¢ each	68¢ each	65¢ each.
732.21	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
732.30	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
732.32	62.5¢ each	59¢ each	56¢ each	52¢ each	49¢ each	46¢ each	42¢ each	39¢ each	36¢ each.
732.34	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
732.35	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
732.38	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
732.41	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
732.42	15% ad val	15%	15%	14.2%	13.3%	12.5%	11.7%	10.8%	10%.
732.43	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
732.50	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
732.52	9% ad val	8.3%	7.7%	7%	6.3%	5.6%	5%	4.3%	3.6%.
732.60	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
732.62	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
734.05	20% ad val	18.5%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
734.10	8% ad val	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%.
734.15	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
734.20	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
734.25	2¢ per pack +2% ad val.	1.8¢/pack + 1.9%	1.7¢/pack + 1.7%	1.5¢/pack + 1.6%	1.4¢/pack + 1.4%	1.2¢/pack + 1.3%	1.1¢/pack + 1.1%	0.9¢/pack + 1%	0.8¢/pack + 0.8%.
734.30	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
734.32	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
734.34	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
734.40	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
734.42	9.5% ad val	9.5%	9.5%	8.6%	7.6%	6.7%	5.7%	4.8%	3.8%.
734.45	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
734.48	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
734.51	14% ad val	11%	8%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%.
734.56	7.5% ad val	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%.
734.60	8% ad val	7.4%	6.8%	6.2%	5.6%	5%	4.4%	3.8%	3.2%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 5— Continued									
734.70	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
734.71	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
734.72	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
734.75	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
734.77	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
734.80	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
734.85	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
734.86	5.5% ad val	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%.
734.87	5.5% ad val	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%	5.3%.
734.88	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
734.90	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
734.91	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
734.93	5% ad val	4.6%	4.3%	3.9%	3.5%	3.1%	2.8%	2.4%	2%.
734.95	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
735.01	8% ad val	7.4%	6.9%	6.3%	5.8%	5.2%	4.6%	4.1%	3.5%.
735.02	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
735.04	9% ad val	8.3%	7.6%	6.9%	6.3%	5.6%	4.9%	4.2%	3.5%.
735.06	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
735.09	12% ad val	11.3%	10.5%	9.8%	9%	8.3%	7.5%	6.8%	6%.
735.10	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
735.11	13.5% ad val	10.5%	7.5%	6.9%	6.9%	6.9%	6.9%	6.9%	6.9%.
735.12	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
735.15	4.5% ad val	3.9%	3.4%	2.8%	2.3%	1.7%	1.1%	0.6%	Free.
735.17	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
735.18	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
735.20	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
737.07	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
737.09	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
737.15	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
737.21	17.5% ad val	16.3%	15.1%	13.9%	12.8%	11.6%	10.4%	9.2%	8%.
737.22	17.5% ad val	16.8%	16.1%	15.4%	14.8%	14.1%	13.4%	12.7%	12%.
737.25	28% ad val	25.9%	23.8%	21.7%	19.6%	17.5%	15.4%	13.3%	11.2%.
737.30	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
737.35	10.5% ad val	9.7%	8.9%	8.1%	7.4%	6.6%	5.8%	5%	4.2%.
737.40	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
737.45	12% ad val	11.2%	10.5%	9.7%	8.9%	8.1%	7.4%	6.6%	5.8%.

737.50	22% ad val	20.4%	18.7%	17.1%	15.4%	13.8%	12.1%	10.5%	8.8%.
737.55	10.5% ad val	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%.
737.60	16% ad val	14.8%	13.6%	12.4%	11.2%	10%	8.8%	7.6%	6.4%.
737.65	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
737.70	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
737.80	22% ad val	20.4%	18.7%	17.1%	15.4%	13.8%	12.1%	10.5%	8.8%.
737.85	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
737.95	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
Schedule 7, Part 6									
740.10	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
740.30	18% ad val	16.7%	15.3%	14%	12.6%	11.3%	9.9%	8.6%	7.2%.
740.34	35% ad val	32.4%	29.8%	27.1%	24.5%	21.9%	19.3%	16.6%	14%.
740.35	35% ad val	32.4%	29.8%	27.1%	24.5%	21.9%	19.3%	16.6%	14%.
740.38	27.5% ad val	25.4%	23.4%	21.3%	19.3%	17.2%	15.1%	13.1%	11%.
740.50	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
740.55	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
740.60	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
740.70	17% ad val	15.8%	14.5%	13.3%	12%	10.8%	9.5%	8.3%	7%.
740.75	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
740.80	27.5% ad val	25.4%	23.4%	21.3%	19.3%	17.2%	15.1%	13.1%	11%.
741.08	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
741.10	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
741.15	2.5% ad val	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%.
741.20	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
741.30	7% ad val	4.7%	4.7%	4.7%	47%	4.7%	4.7%	4.7%	4.7%.
741.35	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
741.40	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
741.50	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
Schedule 7, Part 7									
745.04	9% ad val	8.3%	7.7%	7%	6.3%	5.6%	5%	4.3%	3.6%.
745.08	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
745.10	27.5% ad val	25.4%	23.4%	21.3%	19.3%	17.2%	15.1%	13.1%	11%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 7—Continued									
745.20	0.87¢ per line per gross +12.5% ad val.	0.75¢/line/gross+10.7%.	0.63¢/line/gross+8.9%.	0.51¢/line/gross+7.1%.	0.39¢/line/gross+5.3%.	0.35¢/line/gross+5%.	0.35¢/line/gross+5%.	0.35¢/line/gross+5%.	0.35¢/line/gross+5%.
745.25	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
745.28	9% ad val	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%.
745.30	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
745.32	0.6¢ per line per gross+10% ad val.	0.57¢/line/gross+9.6%.	0.55¢/line/gross+9.1%.	0.52¢/line/gross+8.7%.	0.5¢/line/gross+8.2%.	0.47¢/line/gross+7.8%.	0.45¢/line/gross+7.3%.	0.42¢/line/gross+6.9%.	0.4¢/line/gross+6.4%.
745.34	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
745.40	28.5% ad val	26.4%	24.2%	22.1%	20%	17.8%	15.7%	13.5%	11.4%.
745.45	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
745.50	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
745.52	20% ad val	18.5%	17%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%.
745.54	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
745.56	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
745.58	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
745.60	1.87¢ per lb. (including weight of cards, cartons, and immediate wrappings and labels)+10.5% ad val.	1.8¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+9.9%.	1.7¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+9.3%.	1.5¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+8.7%.	1.4¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+8.2%.	1.3¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+7.6%.	1.2¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+7%.	1.1¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+6.4%.	1¢/lb. (including weight of cards, cartons, and immediate wrappings and labels)+5.8%.
745.61	27.5% ad val	27.5%	27.5%	24.8%	22%	19.3%	16.5%	13.8%	11%.
745.62	27.5% ad val	27.5%	27.5%	24.8%	22%	19.3%	16.5%	13.8%	11%.
745.65	13.5% ad val	12.7%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%.
745.66	12% ad val	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%.
745.67	27.5% ad val	25.4%	23.4%	21.3%	19.3%	17.2%	15.1%	13.1%	11%.
745.68	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
745.70	25% ad val	23.8%	22.5%	21.3%	20%	18.8%	17.5%	16.3%	15%.
745.72	20% ad val	19.4%	18.8%	18.1%	17.5%	16.9%	16.3%	15.6%	15%.
745.74	35% ad val	33.5%	32%	30.5%	29%	27.5%	26%	24.5%	23%.
748.05	3¢ per lb.+5% ad val.	2.9¢/lb.+4.8%	2.7¢/lb.+4.7%	2.6¢/lb.+4.5%	2.5¢/lb.+4.3%	2.4¢/lb.+4.1%	2.2¢/lb.+4%	2.1¢/lb.+3.8%	2¢/lb.+3.6%.

748.10	8% ad val	8%	8%	7.5%	7%	6.6%	6.1%	5.6%	5.1%.
748.12	6% ad val	6%	6%	5.4%	4.8%	4.2%	3.6%	3%	2.4%.
748.15	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
748.20	21% ad val	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%.
748.21 [2]	42.5% ad val	39.7%	36.8%	34%	31.2%	28.3%	25.5%	22.7%	19.8%. [2]
748.40	7% ad val	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%.
Schedule 7, Part 8									
750.05	0.2¢ each+5% ad val.	0.2¢ each+4.6%	0.2¢ each+4.3%	0.2¢ each+3.9%	0.1¢ each+3.5%	0.1¢ each+3.1%	0.1¢ each+2.8%	0.1¢ each+2.4%	0.1¢ each+2%.
750.10	17.4% ad val	16.2%	15%	13.8%	12.6%	11.4%	10.2%	9%	7.8%.
750.15	0.4¢ each+8% ad val.	0.37¢ each +7.6%.	0.35¢ each+7.2%	0.32¢ each+6.7%	0.3¢ each+6.3%	0.27¢ each+5.9%	0.25¢ each+5.5%	0.22¢ each+5%	0.2¢ each+4.6%.
750.20	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
750.22	27.5% ad val	24.5%	21.5%	18.5%	15.5%	12.5%	11%	11%	11%.
750.26	20% ad val	17%	14%	11%	8%	8%	8%	8%	8%.
750.29	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
750.32	25% ad val	22%	19%	16%	13%	10%	10%	10%	10%.
750.35	7% ad val	4%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%.
750.40	0.4¢ each+8.5% ad val.	0.37¢ each+7.9%	0.35¢ each+7.2%	0.32¢ each+6.6%	0.3¢ each+6%	0.27¢ each+5.3%	0.25¢ each+4.7%	0.22¢ each+4%	0.2¢ each+3.4%.
750.45	0.4¢ each+17.5% ad val.	0.37¢ each +16.2%.	0.35¢ each +14.9%.	0.32¢ each +13.6%.	0.3¢ each+12.3%	0.27¢ each +10.9%.	0.25¢ each+9.6%	0.22¢ each+8.3%	0.2¢ each+7%.
750.47	0.4¢ each+5% ad val.	0.38¢ each+4.8%	0.37¢ each+4.7%	0.36¢ each+4.5%	0.35¢ each+4.3%	0.33¢ each+4.1%	0.32% each+4%	0.31¢ each+3.8%	0.3¢ each+3.6%.
750.50	8% ad val	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%.
750.55	0.4¢ each	0.38¢ each	0.37¢ each	0.36¢ each	0.35¢ each	0.33¢ each	0.32¢ each	0.31¢ each	0.3¢ each.
750.60	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
750.65	10% ad val	7%	4%	4%	4%	4%	4%	4%	4%.
750.70	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
750.75	14% ad val	13%	11.9%	10.9%	9.8%	8.8%	7.7%	6.7%	5.6%.
750.80	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
751.05	20% ad val	17%	14%	11%	8.2%	8.2%	8.2%	8.2%	8.2%.
751.10	12.5% ad val	9.5%	6.5%	5%	5%	5%	5%	5%	5%.
751.11	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
751.15	12% ad val	11.1%	10.2%	9.3%	8.4%	7.5%	6.6%	5.7%	4.8%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 748.21, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 8—Continued									
751.20	30% ad val	27%	24%	21%	18%	15%	12%	12%	12%.
751.25	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
Schedule 7, Part 9									
755.05	7.5¢ per gross of immediate containers.	6.6¢/gross of immediate containers.	5.6¢/gross of immediate containers.	4.7¢/gross of immediate containers.	3.7¢/gross of immediate containers.	2.8¢/gross of immediate containers.	1.9¢/gross of immediate containers.	0.9c/gross of immediate containers.	Free.
755.10	1¢ per 1000 matches.	0.8¢/1000 matches.	0.7¢/1000 matches.	0.6¢/1000 matches.	0.5¢/1000 matches.	0.3¢/1000 matches.	0.2¢/1000 matches.	0.1¢/1000 matches.	Free.
755.15	12¢ per lb., including the weight of all coverings, packing material, and wrappings.	11¢/lb., including the weight of all coverings, packing material, and wrappings.	10¢/lb., including the weight of all coverings, packing material, and wrappings.	9¢/lb., including the weight of all coverings, packing material, and wrappings.	8.5¢/lb., including the weight of all coverings, packing material, and wrappings.	7¢/lb., including the weight of all coverings, packing material, and wrappings.	6¢/lb., including the weight of all coverings, packing material, and wrappings.	5¢/lb., including the weight of all coverings, packing material, and wrappings.	5¢/lb., including the weight of all coverings, packing material, and wrappings.
755.20	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.
755.25	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
755.30	13.5% ad val	13.5%	13.5%	12.4%	11.3%	10.2%	9.1%	8%	6.9%.
755.35	50¢ per lb. + 6% ad val.	46¢/lb. + 5.6%	43¢/lb. + 5.1%	39¢/lb. + 4.7%	36¢/lb. + 4.3%	32¢/lb. + 3.9%	29¢/lb. + 3.5%	25¢/lb. + 3%	22¢/lb. + 2.6%.
755.45	0.24¢ each + 0.06¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.22¢ each + 0.056¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.2¢ each + 0.051¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.19¢ each + 0.047¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.17¢ each + 0.043¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.15¢ each + 0.038¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.13¢ each + 0.034¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.12¢ each + 0.029¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.1¢ each + 0.025¢ each for each 0.5 gram of explosive over 1.5 grams per cap.
755.50	42¢ per 1,000 feet.	41¢/1,000 feet	40.5¢/1,000 feet	40¢/1,000 feet	39¢/1,000 feet	38¢/1,000 feet	37.5¢/1,000 feet	37¢/1,000 feet	36¢/1,000 feet.
756.02	15% ad val	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%.
756.04	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.
756.06	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
756.10	12% ad val	11.1%	10.2%	9.3%	8.4%	7.5%	6.6%	5.7%	4.8%.
756.15	25% ad val	23.1%	21.3%	19.4%	17.5%	15.6%	13.8%	11.9%	10%.

756.21[2]	2.5¢ each+40% ad val.	2.3¢ each+37.6%	2.2¢ each+35.2%	2¢ each+32.8%	1.9¢ each+30.4%	1.7¢ each+28%	1.6¢ each+25.6%	1.4¢ each+23.2%	1.3¢ each+20.8%.[2]
756.23	1.25¢ each+20% ad val.	1.16¢ each+18.5%.	1.06¢ each+17%	0.97¢ each+15.5%.	0.88¢ each+14%	0.79¢ each+12.5%.	0.69¢ each+11%	0.6¢ each+9.5%	0.5¢ each+8%.
756.25	1.2¢ each+10% ad val.	1.1¢ each+9.3%	1¢ each+8.5%	0.9¢ each+7.8%	0.8¢ each+7%	0.7¢ each+6.3%	0.6¢ each+5.5%	0.5¢ each+4.8%	0.5¢ each+4%.
756.30	5% ad val	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%	3.7%.
756.35	1¢ each+12.5% ad val.	0.9¢ each+11.7%	0.8¢ each+11%	0.8¢ each+10.2%	0.7¢ each+9.5%	0.6¢ each+8.7%	0.6¢ each+7.9%	0.5¢ each+7.2%	0.5¢ each+6.4%.
756.40	17.5% ad val	16.2%	14.9%	13.6%	12.3%	10.9%	9.6%	8.3%	7%.
756.45	1.25¢ each+7.5% ad val.	1.1¢ each+6.9%	1¢ each+6.4%	0.9¢ each+5.8%	0.8¢ each+5.3%	0.7¢ each+4.7%	0.7¢ each+4.1%	0.6¢ each+3.6%	0.5¢ each+3%.
756.50	17.5% ad val	16.3%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%.
756.55	0.5¢ each+7.5% ad val.	0.46¢ each+6.9%	0.42¢ each+6.4%	0.38¢ each+5.8%	0.35¢ each+5.3%	0.31¢ each+4.7%	0.27¢ each+4.1%	0.24¢ each+3.6%	0.2¢ each+3%.
756.60	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
Schedule 7. Part 10.									
760.05	2¢ each+13.5% ad val.	1.8¢ each+12.5%	1.7¢ each+11.5%	1.5¢ each+10.5%	1.4¢ each+9.5%	1.2¢ each+8.5%	1.1¢ each+7.4%	0.9¢ each+6.4%	0.8¢ each+5.4%.
760.10	16.6% ad val	15.4%	14.1%	12.9%	11.6%	10.4%	9.1%	7.9%	6.6%.
760.12	8.5% ad val	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%.
760.15	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.
760.20	8¢ per gross+7% ad val.	2¢ gross+7%	6.8%	6.5%	6.2%	5.8%	5.5%	5.2%	4.9%.
760.30	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
760.32	5¢ per gross	4.4¢/gross	3.8¢/gross	3.1¢/gross	2.5¢/gross	1.9¢/gross	1.3¢/gross	0.6¢/gross	Free.
760.34[3]	$1 per 1000+17.5% ad val.	94¢/1000+16.5%	88¢/1000+15.4%	82¢/1000+14.4%	76¢/1000+13.3%	70¢/1000+12.3%	64¢/1000+11.2%	58¢/1000+10.2%	52¢/1000+9.1%.[3]
760.36	2¢ each+13.5% ad val.	1.8¢ each+12.5%	1.7¢ each+11.5%	1.5¢ each+10.5%	1.4¢ each+9.5%	1.2¢ each+8.5%	1.1¢ each+7.4%	0.9¢ each+6.4%	0.8¢ each+5.4%.
760.38	9.5¢ ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

[2] For item 756.21, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—1.1¢ each + 18.4%.
Effective with respect to articles entered on and after January 1, 1989—1¢ each + 16%.

[3] For item 760.34, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988—46¢/1000 + 8.1%.
Effective with respect to articles entered on and after January 1, 1989—40¢/1000 + 7%.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 10— Continued									
760.40	2¢ each+13.5% ad val.	1.8¢ each+12.6%	1.7¢ each+11.7%	1.5¢ each+10.7%	1.4¢ each+9.8%	1.3¢ each+8.9%	1.1¢ each+8%	1¢ each+7%	0.9¢ each+6.1%.
760.42	9.5% ad val	8.8%	8.1%	7.4%	6.7%	5.9%	5.2%	4.5%	3.8%.
760.45	7.5¢ per gross	6.6¢/gross	5.6¢/gross	4.7¢/gross	3.8¢/gross	2.8¢/gross	1.9¢/gross	0.9¢/gross	Free.
760.48	25¢ per gross+7.5% ad val.	23¢/gross+7.1%	22¢/gross+6.7%	20¢/gross+6.3%	19.5¢/ gross+5.9%.	18¢/gross+5.5%	16¢/gross+5.1%	15¢/gross+4.7%	14¢/gross+4.3%.
760.50	2¢ per gross	1.8¢/gross	1.7¢/gross	1.5¢/gross	1.4¢/gross	1.2¢/gross	1.1¢/gross	0.9¢/gross	0.8¢/gross.
760.52	4¢ per gross	3.5¢/gross	3¢/gross	2.5¢/gross	2¢/gross	1.5¢/gross	1¢/gross	0.5¢/gross	Free.
760.56	8% ad val	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%.
760.58	8.5¢ per gross +5% ad val.	8.1¢/gross+4.8%	7.7¢/gross+4.6%	7.4¢/gross+4.4%	7¢/gross+4.2%	6.6¢/gross+4%	6.2¢/gross+3.8%	5.9¢/gross+3.6%	5.5¢/gross+3.4%.
760.65	5% ad val	2%	Free	Free	Free	Free	Free	Free	Free.
Schedule 7, Part 11									
766.30	A duty of 12.5% ad val. in addition to any other duty imposed on such article under these schedules.	A duty of 11.8% in addition to any other duty imposed on such article under these schedules.	A duty of 11% in addition to any other duty imposed on such article under these schedules.	A duty of 10.3% in addition to any other duty imposed on such article under these schedules.	A duty of 9.6% in addition to any other duty imposed on such article under these schedules.	A duty of 8.8% in addition to any other duty imposed on such article under these schedules.	A duty of 8.1% in addition to any other duty imposed on such article under these schedules.	A duty of 7.3% in addition to any other duty imposed on such article under these schedules.	A duty of 6.6% in addition to any other duty imposed on such article under these schedules.
Schedule 7, Part 12									
770.70	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
770.80	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
772.30	12.5% ad val	12.5%	12.5%	11.3%	10%	8.8%	7.5%	6.3%	5%.
772.40	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
772.45	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
772.54	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
772.60	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
772.65	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
772.95	12.5% ad val	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%.
772.97	8.5%ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
773.20	26.3% ad val	24.3%	22.4%	20.4%	18.4%	16.4%	14.5%	12.5%	10.5%.

773.25	5% ad val	4.8%	4.6%	4.4%	4.3%	4.1%	3.9%	3.7%	3.5%.
773.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
773.35	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
774.20	15% ad val	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%.
774.25	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
774.35	11.6% ad val	11.6%	11.6%	11.6%	11.6%	11.6%	11.6%	11.6%	11.6%.
Schedule 7.									
Part 13									
790.00	16% ad val	14.8%	13.6%	12.4%	11.2%	10%	8.8%	7.6%	6.4%.
790.03	9.5% ad val	9%	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%.
790.10	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
790.15	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
790.23	4% ad val	4%	4%	3.3%	2.7%	2%	1.3%	0.7%	Free.
790.30	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
790.37	6% ad val	5.6%	5.1%	4.7%	4.2%	3.8%	3.3%	2.9%	2.4%.
790.39	6% ad val	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%	4.2%.
790.40	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
790.50	12.5% ad val	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%.
790.59	22.8% ad val	21.1%	19.4%	17.6%	15.9%	14.2%	12.5%	10.7%	9%.
790.60	23.1% ad val	20.1%	17.1%	14.1%	11.1%	9%	9%	9%	9%.
790.61	21.7% ad val	20.1%	18.5%	16.8%	15.2%	13.6%	12%	10.3%	8.7%.
790.62	21.9% ad val	20.3%	18.6%	17%	15.3%	13.7%	12%	10.4%	8.7%.
790.63	22.5% ad val	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%.
790.70	7% ad val	4%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%.
791.05	18.5% ad val	17.1%	15.7%	14.3%	13%	11.6%	10.2%	8.8%	7.4%.
791.10	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
791.15	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
791.17	18.5% ad val	15.5%	12.5%	9.5%	7.4%	7.4%	7.4%	7.4%	7.4%.
791.19	8.5% ad val	5.5%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%.
791.30	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
791.35	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
791.45	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
791.48	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
791.50	3.5% ad val	3.1%	2.6%	2.2%	1.8%	1.3%	0.9%	0.4%	Free.
791.54	7% ad val	6.5%	6%	5.4%	4.9%	4.4%	3.9%	3.3%	2.8%.
791.57	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.

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[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION A. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JANUARY 1, 1980—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
Schedule 7, Part 13—Continued									
791.60	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
791.65	10% ad val	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%.
791.70	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
791.80	14% ad val	11%	8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%.
791.90	4% ad val	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free.
792.10	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
792.22	17% ad val	15.9%	14.7%	13.5%	12.4%	11.2%	10%	8.9%	7.7%.
792.30	10% ad val	9.3%	8.5%	7.8%	7%	6.3%	5.5%	4.8%	4%.
792.32	3% ad val	2.9%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%	2.5%.
792.40	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
792.50	8.5% ad val	5.5%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%.
792.60	6% ad val	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%.
792.75	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
Schedule 7, Part 14									
790.00	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION B. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER THE DATE (PUBLISHED IN THE FEDERAL REGISTER) NOT MORE THAN 30 DAYS AFTER THE DATE ON WHICH THE SPECIAL REPRESENTATIVE HAS DETERMINED THAT THE PHILIPPINES PROVIDE SATISFACTORY SUPPLY ACCESS ASSURANCES FOR RATTAN

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty[1] effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below:							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Schedule 7, Part 4									
727.10	16% ad val	14.9%	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION C. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER THE DATE (PUBLISHED IN THE FEDERAL REGISTER) NOT MORE THAN 30 DAYS AFTER THE DATE ON WHICH THE SPECIAL REPRESENTATIVE HAS DETERMINED THAT SATISFACTORY PROGRESS HAS BEEN MADE TOWARD THE DEVELOPMENT OF A COMMON NORTH AMERICAN STANDARD FOR SOFTWOOD PLYWOOD

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty[1] effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below:							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Schedule 2. *Part 3* 240.21	20% ad val	18.5%	17%	15.5%	14%	12.5%	11%	9.5%	8%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION D. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER THE DATE (PUBLISHED IN THE FEDERAL REGISTER BY THE SPECIAL REPRESENTATIVE) ON WHICH THE IMPORT RELIEF ACTION UNDER SECTION 203 OF THE TRADE ACT OF 1974 WITH RESPECT TO FOOTWEAR, INITIATED BY PRESIDENTIAL PROCLAMATION 4510 OF JUNE 22, 1977, HAS TERMINATED

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty[1] effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below:							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Schedule 7. *Part 12* 774.50	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%.
Schedule 7. *Part 13* 791.20	3.5% ad val	3.4%	3.3%	3.2%	3.2%	3.1%	3%	2.9%	2.8%.
791.27	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION E. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER THE DATE (PUBLISHED IN THE FEDERAL REGISTER BY THE SPECIAL REPRESENTATIVE) ON WHICH THE IMPORT RELIEF ACTIONS UNDER SECTION 203 OF THE TRADE ACT OF 1974 WITH RESPECT TO COLOR TELEVISION RECEIVERS AND CERTAIN SUBASSEMBLIES THEREOF, INITIATED BY PRESIDENTIAL PROCLAMATIONS 4511 AND 4634, OF JUNE 24, 1977, AND JANUARY 26, 1979, RESPECTIVELY, HAVE TERMINATED

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty [1] effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Schedule 6, *Part 5*									
685.16	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
685.18	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION F. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER THE DATE (PUBLISHED IN THE FEDERAL REGISTER) NOT MORE THAN 30 DAYS AFTER THE DATE ON WHICH THE SPECIAL REPRESENTATIVE HAS DETERMINED THAT OTHER MAJOR COUNTRIES PROVIDE ADEQUATE ENTITY COVERAGE UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT, ENTERED INTO ON APRIL 12, 1979

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty [1] effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Schedule 6, *Part 4*									
660.10	6.5% ad val	6.2%	6	5.7%	5.5%	5.2%	4.9%	4.7%	4.4%.
660.15	7% ad val	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%.
660.25	4% ad val	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%.
660.30	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
660.35	4.5% ad val	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%.
660.59	5% ad val	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free.
660.62	5% ad val	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%.
660.74	18.4% ad val	17.1%	15.8%	14.5%	13.2%	11.9%	10.6%	9.3%	8%.
660.76	7.5% ad val	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%.
Schedule 6, *Part 5*									
684.62	8.5% ad val	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

SECTION G. STAGED RATE MODIFICATIONS EFFECTIVE AS TO ARTICLES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER THE DATE (PUBLISHED IN THE FEDERAL REGISTER BY THE SPECIAL REPRESENTATIVE) OF THE IMPLEMENTATION BY CANADA OF THE CONCESSION RATE OF 1 CENT PER POUND OF CANADIAN TARIFF ITEM 501-1

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty [1] effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Schedule 1.									
Part 1									
100.40	1.5¢ per lb	1.3¢/lb	1.1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb.
100.43	2.5¢ per lb	2¢/lb	1.5¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb.
100.53	1.5¢ per lb	1.3¢/lb	1.1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb.
100.55	2.5¢ per lb	2¢/lb	1.5¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb	1¢/lb.

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IV

PRODUCTS OF LEAST DEVELOPED DEVELOPING COUNTRIES

Section A. The countries set forth in general headnote 3(d)(i) of the TSUS, as added by Section C of this Annex, are the least developed developing countries to which Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251) is applicable, and products of such countries which are entered under the TSUS items listed in Section B of this Annex are eligible for full tariff reductions without staging in accordance with that section.

Section B. Imported articles, the products of least developed developing countries referred to in Section A above, which are provided for in the following TSUS item numbers, are subject to the rates of duty set opposite thereto on and after the effective dates specified below (except when such articles are subject to temporary modifications as specified in the new general headnote 3(d)(ii) of the TSUS, set forth in section C of this annex):

(1) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1980:

TSUS Item No.	*Rate of duty*
106.10	2¢ per lb.
106.22	1.5¢ per lb.
106.25	Free
106.80	Free
107.40	1¢ per lb.
107.48	3% ad val.
107.52	3% ad val.
107.55	2¢ per lb.
107.61	4% ad val.
107.63	4% ad val.
107.70	0.6¢ per lb.
107.76	Free
107.80	Free
110.28	Free
110.55	1.875¢ per lb.
110.65	Free
111.37	4% ad val.
111.48	3% ad val.
111.60	10% ad val.
111.76	Free
111.84	2.5% ad val.
112.01	5% ad val.
112.03	Free
112.12	Free
112.18	3% ad val.
112.20	2.5% ad val.
112.42	4.9% ad val.
112.46	8% ad val.
112.54	12% ad val.
112.79	4% ad val.
112.86	20% ad val.
112.94	6.5% ad val.
113.01	Free
113.05	6.6% ad val.
113.40	Free
113.50	5% ad val.
114.25	5% ad val.
114.34	Free
114.55	Free
117.20	16% ad val.
117.44	19% ad val.
117.55	15% ad val.
117.60	6.4% ad val.
117.86	7.5% ad val.
120.17	Free
121.10	4.9% ad val.
121.15	3.7% ad val.
121.25	4.2% ad val.
121.30	5.5% ad val.
121.35	3.1% ad val.
121.40	3.7% ad val.
121.45	5.5% ad val.
121.50	4.2% ad val.
121.52	Free
121.54	2.4% ad val.
121.55	3.7% ad val.
121.61	Free
121.62	3.7% ad val.
121.64	4.2% ad val.
121.65	2.4% ad val.
123.50	8% ad val.
124.20	5.3% ad val.
124.30	3.7% ad val.
124.60	5.8% ad val.
124.65	3.1% ad val.
124.70	4.9% ad val.
124.80	2.4% ad val.
125.32	2.2% ad val.
125.50	Free
125.65	Free
125.70	Free
125.82	3% ad val.
126.23	Free
126.27	Free
126.29	Free
126.33	Free
126.35	Free
130.08	5¢ per bu. of 48 lbs.
130.30	Free
130.32	5¢ per bu. of 56 lbs.
130.45	Free
130.60	Free
131.20	30¢ per 100 lbs.
131.30	1¢ per lb.
136.00	5% ad val.
136.92	0.7¢ per lb.
137.02	0.8¢ per lb.
137.20	35¢ per 100 lbs.
137.21	35¢ per 100 lbs.
137.25	35¢ per 100 lbs.
137.28	35¢ per 100 lbs.
137.78	10% ad val.
137.82	10% ad val.
138.25	9% ad val.
138.30	7% ad val.
140.40	25% ad val.
140.54	5.2% ad val.
141.30	4% ad val.
141.50	7% ad val.
141.70	7% ad val.
141.78	9% ad val.
141.82	10% ad val.
141.83	12.5% ad val.
141.84	10% ad val.
141.85	3.4% ad val.
141.86	10% ad val.
141.87	9% ad val.
144.12	1.3¢ per lb. + 4% ad val.

TSUS Item No.	*Rate of duty*
145.09	4% ad val.
145.48	3¢ per lb.
145.65	14% ad val.
146.30	6¢ per lb.
146.44	3% ad val.
146.71	6% ad val.
146.74	7% ad val.
146.83	10% ad val.
146.84	7% ad val.
146.87	2.8% ad val.
147.33	3.4% ad val.
147.36	17.5% ad val.
147.38	3¢ per lb.
147.61	4¢ per cu. ft. of such bulk or the capacity of the package
147.77	7% ad val.
147.85	Free
147.96	1.5¢ per lb.
148.19	3.5% ad val.
148.22	14% ad val.
148.35	17.5% ad val.
148.72	Free
148.81	Free
148.83	Free
148.98	0.25¢ per lb.
149.15	3% ad val.
149.18	Free
149.50	3.4% ad val.
149.60	7% ad val
150.02	7% ad val.
152.14	Free
152.30	1.4¢ per lb.
152.42	12.5% ad val.
152.43	7% ad val.
152.54	2.8% ad val.
152.58	2.8% ad val.
153.02	Free
153.08	Free
154.40	5.4% ad val.
154.43	5% ad val.
154.45	3.4% ad val.
155.75	6% ad val.
156.45	Free
161.31	Free
161.58	Free
161.61	Free
161.71	2¢ per lb.
161.75	6% ad val.
162.15	3% ad val.
168.36	25¢ per proof gal.
168.37	50¢ per proof gal.
168.39	20¢ per proof gal.
168.41	40¢ per proof gal.
168.49	50¢ per proof gal.
168.53	40¢ per proof gal.
168.65	$1.40 per proof gal.
168.67	$1.40 per proof gal.
168.69	20¢ per proof gal.
168.71	20¢ per proof gal.
168.73	25¢ per proof gal.
168.75	25¢ per proof gal.
168.83	50¢ per proof gal.
170.35	20¢ per lb.
175.18	22¢ per bu. of 56 lbs.
175.39	0.4¢ per lb.
176.01	3% ad val.
176.16	4% ad val.
176.17	Free
176.24	0.5¢ per lb + 2% ad val.
182.11	8% ad val.
182.15	7% ad val.

TSUS Item No.	*Rate of duty*
182.20	Free
182.33	5% ad val.
182.35	Free
182.36	Free
182.53	5% ad val.
182.60	5% ad val.
182.92	16% ad val.
182.96	8% ad val.
184.51	0.12¢ per lb.
184.56	4% ad val.
184.85	3% ad val.
186.50	3.1% ad val.
188.34	2¢ per lb.
190.10	Free
190.25	7.7% ad val.
190.68	3% ad val.
190.85	Free
190.93	3% ad val.
192.17	4% ad val.
200.06	3.7% ad val.
200.20	2.4% ad val.
200.25	5.1% ad val.
200.45	Free
200.95	7.6% ad val.
202.38	Free
202.54	Free
202.56	Free
202.60	3.2% ad val.
202.66	4.5% ad val.
203.10	5.8% ad val.
203.20	4.5¢ per lb. + 3.5% ad val.
203.30	4.5¢ per lb. + 3.5% ad val.
204.05	7.7% ad val.
204.10	2.8% ad val.
204.20	5.1% ad val.
204.35	3% ad val.
204.40	6.7% ad val.
204.50	1¢ per lb. + 2.9% ad val.
206.45	4.5% ad val.
206.47	5.3% ad val.
206.50	Free
206.52	Free
206.53	4.4% ad val.
206.67	8% ad val.
206.95	7% ad val.
206.96	5.1% ad val.
207.00	5.1% ad val.
220.10	1¢ per lb.
220.15	0.4¢ per lb.
220.20	2.5¢ per lb.
220.25	3.7% ad val.
220.31	2¢ per lb.
220.35	20¢ per lb.
220.36	8.5¢ per lb.
220.37	10¢ per lb.
220.39	7¢ per lb.
220.41	7¢ per lb.
220.46	7¢ per lb.
222.10	3.1% ad val.
222.30	7% ad val.
222.32	6.6% ad val.
222.36	3.5% ad val.
222.40	10% ad val.
222.41	5.8% ad val.
222.42	10% ad val.
222.44	4.5% ad val.
222.50	8% ad val.
222.55	Free
222.57	3.2% ad val.
222.60	6.6% ad val.

TSUS Item No.	*Rate of duty*
240.00	Free
240.02	4% ad val.
240.03	Free
240.04	3.2% ad val.
240.06	Free
240.10	8% ad val.
240.12	5% ad val.
240.14	3% ad val.
240.16	5.3% ad val.
240.17	8% ad val.
240.19	8% ad val.
240.25	8% ad val.
240.30	8% ad val.
240.32	6.6% ad val.
240.34	3% ad val.
240.36	5.3% ad val.
240.38	4% ad val.
240.40	4% ad val.
240.50	8.2% ad val.
240.52	6.6% ad val.
240.54	3% ad val.
240.56	5.3% ad val.
240.58	4% ad val.
240.60	4% ad val.
245.45	4% ad val.
245.50	4% ad val.
245.60	4% ad val.
245.70	2.4% ad val.
245.80	1.3¢ per lb.+2.3% ad val.
251.10	3.7% ad val.
251.15	4.9% ad val.
251.20	5.8% ad val.
251.25	2.8% ad val.
251.30	Free
251.45	Free
251.49	Free
252.05	Free
252.10	Free
252.13	3.8% ad val.
252.15	3.2% ad val.
252.17	Free
252.20	1.6% ad val.
252.25	2.8% ad val.
252.27	2% ad val.
252.30	3.5% ad val.
252.35	4.9% ad val.
252.40	4.3% ad val.
252.42	2% ad val.
252.45	1.6% ad val.
252.50	4.2% ad val.
252.57	2.4% ad val.
252.59	3.8% ad val.
252.61	4.8% ad val.
252.63	1.8% ad val.
252.70	2.7% ad val.
252.73	3.1% ad val.
252.75	2.4% ad val.
252.77	1.5% ad val.
252.79	Free
252.81	Free
252.84	2.4% ad val.
252.86	Free
252.90	4% ad val.
253.05	2.4% ad val.
253.10	3.9% ad val.
253.15	3.4% ad val.
253.20	Free
253.25	Free
253.30	Free
253.35	2.4% ad val.
253.40	3.7% ad val.
253.45	3.3% ad val.
254.09	2.6% ad val.
254.15	2.8% ad val.
254.18	Free
254.20	1.6% ad val.
254.25	4.9% ad val.
254.30	2.8% ad val.
254.35	3.4% ad val.
254.40	3.8% ad val.
254.42	3.3% ad val.
254.44	Free
254.46	2.5% ad val.
254.48	2.2% ad val.
254.50	1.3% ad val.
254.54	3.4% ad val.
254.56	4.4% ad val.
254.58	2.4% ad val.
254.63	2.9% ad val.
254.65	Free
254.70	2% ad val.
254.80	Free
254.85	1.9% ad val.
254.90	2% ad val.
254.95	Free
256.05	Free
256.10	4.9% ad val.
256.15	3.7% ad val.
256.20	3.2% ad val.
256.25	3.2% ad val.
256.30	3% ad val.
256.35	4.2% ad val.
256.40	5.1% ad val.
256.42	3% ad val.
256.44	4% ad val.
256.48	2.5% ad val.
256.52	3% ad val.
256.54	2.8% ad val.
256.56	4% ad val.
256.58	Free
256.65	3.2% ad val.
256.67	5.8% ad val.
256.70	Free
256.75	3.1% ad val.
256.80	3.6% ad val.
256.84	4% ad val.
256.90	5.3% ad val.
270.45	Free
270.50	Free
273.30	5.3% ad val.
273.55	Free
273.65	18¢ per lb.+2.4% ad val.
273.70	6¢ per lb.+3.5% ad val.
273.75	7¢ per lb.
273.85	4% ad val.
273.90	4.2% ad val.
273.95	3.1% ad val.
274.05	4.9% ad val.
274.10	Free
274.15	2¢ per lb.
274.20	3% ad val.
274.23	12¢ per lb.
274.27	28¢ per lb.
274.29	4¢ per lb.
274.33	11¢ per lb.
274.35	4.2% ad val.
274.65	Free
274.70	3.1% ad val.
274.75	Free
274.90	4.9% ad val.

TSUS Item No.	*Rate of duty*
304.04	Free
304.40	Free
305.40	4% ad val.
306.10	2¢ per clean lb.
306.11	2.5¢ per clean lb.
306.12	2.5¢ per clean lb.
306.13	3¢ per clean lb.
306.20	3¢ per clean lb.
306.21	3¢ per clean lb.
306.22	3¢ per clean lb.
306.23	4¢ per clean lb.
306.30	4¢ per clean lb.
306.31	10¢ per clean lb.
306.32	10¢ per clean lb.
306.33	11¢ per clean lb.
306.34	13¢ per lb.
306.40	4.5¢ per clean lb.
306.60	3¢ per clean lb.
306.70	4¢ per clean lb.
306.80	6.5¢ per clean lb.
308.06	2.8% ad val.
308.10	4.7% ad val.
308.16	5.3% ad val.
308.18	5.8% ad val.
308.20	2.8% ad val.
308.30	5% ad val.
308.35	5% ad val.
308.40	5% ad val.
308.45	5% ad val.
308.47	5% ad val.
308.50	5% ad val.
308.51	5% ad val.
308.55	5% ad val.
308.90	5% ad val.
309.28	6% ad val.
309.29	7.2% ad val.
312.50	5.8% ad val.
315.35	6.8% ad val.
315.50	Free
316.50	7% ad val.
337.10	6% ad val.
337.20	6% ad val.
337.30	6% ad val.
337.40	6% ad val.
358.02	5.1% ad val.
358.06	5.1% ad val.
358.08	6% ad val.
358.09	7.5% ad val.
358.11	5.4% ad val.
358.14	8% ad val.
358.16	2.4% ad val.
390.30	Free
390.40	2.8¢ per lb.
390.50	Free
415.05	2¢ per lb.
415.10	5.3% ad val.
415.20	Free
415.27	6¢ per lb.
415.30	6.6% ad val.
415.35	Free
415.40	3.7% ad val.
415.50	3.7% ad val.
416.30	Free
416.40	10.5% ad val.
416.45	4.2% ad val.
417.10	1.6% ad val.
417.16	Free
417.18	Free
417.20	3.1% ad val.
417.22	[illegible].8% ad val.
417.24	1.7% ad val.
417.26	2.9% ad val.
417.28	4.3% ad val.
417.30	Free
417.34	1.5% ad val.
417.36	3.7% ad val.
417.38	3.1% ad val.
417.40	10% ad val.
417.42	11.2% ad val.
417.44	3.1% ad val.
417.52	4.2% ad val.
417.54	5.8% ad val.
417.64	3.7% ad val.
417.70	4.2% ad val.
417.72	2.5% ad val.
417.74	2% ad val.
417.76	2% ad val.
417.78	2% ad val.
417.80	3.7% ad val.
417.92	3.7% ad val.
418.00	7% ad val.
418.14	1.8% ad val.
418.16	3.7% ad val.
418.22	2.4% ad val.
418.26	4.7% ad val.
418.28	Free
418.30	10% ad val.
418.32	Free
418.40	7.2% ad val.
418.42	7.2% ad val.
418.44	7.2% ad val.
418.50	4% ad val.
418.52	4% ad val.
418.68	4.2% ad val.
418.72	4.1% ad val.
418.74	4.3% ad val.
418.78	3.9% ad val.
418.94	3.7% ad val.
419.00	3.7% ad val.
419.02	1.9% ad val.
419.04	4.8% ad val.
419.10	3.7% ad val.
419.20	3.1% ad val.
419.24	Free
419.28	1.5% ad val.
419.32	Free
419.34	3.7% ad val.
419.38	3.1% ad val.
419.40	3.7% ad val.
419.42	3.7% ad val.
419.44	4.7% ad val.
419.50	6¢ per lb.+4% ad val.
419.52	6¢ per lb.+4% ad val.
419.54	6¢ per lb.+4% ad val.
419.60	3.2% ad val.
419.70	3.7% ad val.
419.74	3.2% ad val.
419.76	3.7% ad val.
419.80	3.3% ad val.
419.82	6.6% ad val.
419.84	Free
419.90	3.7% ad val.
420.02	1.5¢ per lb.
420.04	1.9% ad val.
420.06	3.3% ad val.
420.08	1.5% ad val.
420.18	Free
420.20	2.8% ad val.
420.22	3% ad val.
420.24	2.4% ad val.
420.26	Free
420.28	5% ad val.
420.30	3.1% ad val.
420.32	10% ad val.

TSUS Item No.	*Rate of duty*
420.34	11.2% ad val.
420.36	3.1% ad val.
420.40	3.7% ad val.
420.54	3.7% ad val.
420.60	3.7% ad val.
420.68	3.1% ad val.
420.82	•3¢ per lb.
420.88	Free
420.92	3.7% ad val.
420.94	Free
420.98	2.4% ad val.
421.04	1.7% ad val.
421.08	Free
421.10	3.7% ad val.
421.14	8.6% ad val.
421.16	1.4% ad val.
421.18	2.5% ad val.
421.22	3.7% ad val.
421.36	4.1% ad val.
421.44	33¢ per ton
421.46	2.5% ad val.
421.52	2.9% ad val.
421.54	1.5% ad val.
421.56	10% ad val.
421.60	11.2% ad val.
421.62	3.7% ad val.
421.72	4.2% ad val.
421.74	4.2% ad val.
421.76	4.2% ad val.
421.84	3.7%¢ per lb.
421.86	3.7% ad val.
421.90	3.7% ad val.
422.00	3.7% ad val.
422.10	7.8% ad val.
422.12	7.8% ad val.
422.14	7.8% ad val.
422.20	4.2% ad val.
422.24	4.2% ad val.
422.26	4.2% ad val.
422.30	4.9% ad val.
422.40	10.5% ad val.
422.42	10% ad val.
422.58	4.2% ad val.
422.70	4.2% ad val.
422.72	1.6% ad val.
422.78	3.7% ad val.
422.80	3.7% ad val.
422.82	3.7% ad val.
422.90	3.7% ad val.
422.92	4.2% ad val.
422.94	4.2% ad val.
423.00	3.7% ad val.
423.80	7% ad val.
423.86	6¢ per lb.+4% ad val.
423.88	2.8% ad val.
423.92	10% ad val.
423.94	7.4% ad val.
423.96	Free
425.84	3.7% ad val.
425.87	4.2% ad val.
426.22	7.2% ad val.
426.24	4.2% ad val.
426.28	4.2% ad val.
426.32	4.4% ad val.
426.42	2.5% ad val.
426.52	3.7% ad val.
427.14	7.8% ad val.
427.92	1.3¢ per lb.

TSUS Item No.	*Rate of duty*
432.20	3.7% ad val., but not less than the highest rate applicable to any component material
436.00	The rate provided for such product in this subpart, but not less than 3.7% ad val.
437.55	4.2% ad val.
437.60	3.7% ad val.
437.74	12% ad val.
437.86	2.7% ad val.
438.01	3.1% ad val.
438.02	The rate provided for such product in this subpart, but not less than 3.7% ad val.
440.00	The rate provided for such product in this subpart, but not less than 3.7% ad val.
446.10	Free
446.15	Free
446.30	Free
450.10	4.2% ad val.
452.24	2.8% ad val.
452.48	2.5% ad val.
452.54	6.6% ad val.
452.58	Free
452.60	Free
455.02	3% ad val.
455.06	5.3% ad val.
455.30	0.2¢ per lb.+2.4% ad val.
455.32	1.2¢ per lb.+3.6% ad val.
455.36	Free
455.38	0.8¢ per lb.+2.4% ad val.
460.85	5¢ per lb.+4.1% ad val.
460.90	5¢ per lb.+4.7% ad val.
461.10	5.8% ad val.
461.15	4¢ per lb.+6.1% ad val.
461.20	Free
461.30	5% ad val.
461.35	5% ad val.
461.40	4.9% ad val.
461.45	5¢ per lb.+4.5% ad val.
465.05	0.9¢ per lb.+4.3% ad val.
465.10	1¢ per lb.+4.5% ad val.
465.15	1¢ per lb.+4.5% ad val.
465.20	1¢ per lb.+4.5% ad val.
465.25	3.7% ad val.
465.30	0.5¢ per lb.+3.4% ad val.
465.35	3.7% ad val.
465.40	0.5¢ per lb.+3.4% ad val.
465.45	3.7% ad val.
465.50	0.5¢ per lb.+3.5% ad val.
465.55	3.7% ad val.
465.60	0.2¢ per lb.+3.6% ad val.
465.65	2.8% ad val.
465.70	3.2% ad val.
465.75	0.4¢ per lb.+2.6% ad val.
465.80	0.4¢ per lb.+4.3% ad val.

TSUS Item No.	*Rate of duty*
465.85	4.7% ad val.
465.90	3.7% ad val.
465.92	Free
465.95	3.7% ad val.
466.05	3.1% ad val.
466.15	0.5¢ per lb. + 3.6% ad val.
466.20	4.7% ad val.
466.25	0.4¢ per lb. + 2.9% ad val.
466.30	Free
472.04	4.2% ad val.
472.06	0.4¢ per lb.
472.22	1.4% ad val.
472.24	Free
472.30	5.3% ad val.
472.44	2% ad val.
472.50	5.8% ad val.
473.02	3.7% ad val.
473.06	3.7% ad val
473.14	3.7% ad val.
473.16	3.7% ad val.
473.19	3.7% ad val.
473.24	5% ad val.
473.30	3.7% ad val.
473.52	2.4% ad val.
473.54	2.3% ad val.
473.56	3.4% ad val.
473.70	6% ad val.
473.76	Free
473.80	2.8% ad val.
473.86	5.3% ad val.
475.55	5.8% ad val.
475.60	0.6¢ per lb. + 5.7% ad val.
485.10	Free
485.20	3¢ per lb.
485.30	7.2% ad val.
490.05	7.4% ad val.
490.30	3.7% ad val.
490.32	4.2% ad val.
490.42	5.8% ad val.
490.44	6.2% ad val.
490.46	4% ad val.
490.48	3.7% ad val.
490.50	3.7% ad val.
490.90	3.8% ad val.
490.92	3.7% ad val.
490.94	3.7% ad val.
493.10	2.5% ad val.
493.25	5.8% ad val.
493.26	4.8% ad val.
493.30	0.5¢ per lb.
493.46	5.1% ad val.
493.66	5.8% ad val.
493.82	Free
494.52	Free
495.05	2.4% ad val.
495.10	3.5% ad val.
495.15	3.1% ad val.
495.20	5.8% ad val.
511.25	4.9% ad val.
511.41	5.2% ad val.
511.61	4.9% ad val.
511.71	6.9% ad val.
512.24	42¢ per ton
512.31	$2.55 per ton
512.35	$2.80 per ton
513.11	Free
513.21	Free
513.31	Free
513.36	Free
513.41	Free
513.51	3.1% ad val.
513.74	4.2% ad val.
513.81	4.9% ad val.
513.84	6.9% ad val.
513.94	5.3% ad val.
514.21	Free
514.24	6% ad val.
514.34	3.7% ad val.
514.41	4.9% ad val.
514.44	6.9% ad val.
514.51	12¢ per cu. ft.
514.57	20¢ per cu. ft.
514.65	2.8% ad val.
514.81	6% ad val.
515.11	6.6% ad val.
515.14	3.7% ad val.
515.21	4¢ per cu. ft.
515.24	6% ad val.
515.31	4.9% ad val.
515.34	6.9% ad val.
515.51	Free
515.54	6% ad val.
515.64	6.9% ad val.
516.21	4.2% ad val.
516.24	2.4% ad val.
516.71	4.4% ad val.
516.73	5% ad val.
516.74	8% ad val.
516.76	5% ad val.
516.81	2.4% ad val.
516.91	5.3% ad val.
516.94	5% ad val.
517.11	Free
517.21	3% ad val.
517.51	3% ad val.
517.61	2.4% ad val.
517.71	2.8% ad val.
517.74	2.4% ad val.
517.81	3.7% ad val.
517.91	4.9% ad val.
518.21	Free
518.51	Free
519.31	0.13¢ per lb.
519.51	2.5% ad val.
519.83	4.9% ad val.
519.84	4.5¢ per lb. + 3.9% ad val.
519.86	3.7% ad val.
519.91	3.7% ad val.
519.93	4.7% ad val.
519.95	Free
519.97	4.9% ad val.
520.21	3% ad val.
520.31	4.9% ad val.
520.32	Free
520.33	Free
520.35	Free
520.37	Free
520.54	6% ad val.
520.71	3.1% ad val.
521.71	38¢ per ton
521.74	77¢ per ton
521.87	2.5% ad val.
522.41	2.8% ad val.
522.45	4.9% ad val.
522.61	Free
522.81	4.9% ad val.
523.33	2.4% ad val.
523.35	Free
523.37	4.8% ad val.
523.61	2.8% ad val.

TSUS Item No.	*Rate of duty*
523.91	4.9% ad val.
523.94	6.9% ad val.
531.11	3% ad val.
531.21	6.6% ad val.
531.24	Free
531.33	4.9% ad val.
531.35	3.7% ad val.
531.37	9% ad val.
531.39	4.9% ad val.
532.14	Free
532.21	20% ad val.
532.41	4.2% ad val.
532.61	4.9% ad val.
533.11	Free
533.15	2.5% ad val.
533.20	35% ad val.
533.22	11.5% ad val.
533.24	4.5% ad val.
533.29	5.5% ad val.
533.32	5.5% ad val.
533.34	4.5% ad val.
533.39	11.5% ad val.
533.52	35% ad val.
533.54	6% ad val.
533.62	26% ad val.
533.64	8% ad val.
533.72	9% ad val.
533.74	17.5% ad val.
533.76	9% ad val.
533.78	8% ad val.
534.11	3.1% ad val.
534.21	4.2% ad val.
534.74	2.5% ad val.
534.76	2.5% ad val.
534.81	2¢ per doz. pcs. + 7% ad val.
534.84	7% ad val.
534.87	7% ad val.
534.91	6.6% ad val.
534.94	9% ad val.
534.97	6.9% ad val.
535.11	6% ad val.
535.12	4.9% ad val.
535.14	6% ad val.
535.21	12% ad val.
535.24	8.2% ad val.
535.27	4% ad val.
535.31	7.2% ad val.
535.41	4.7% ad val.
536.11	9% ad val.
536.15	8% ad val.
540.11	4.9% ad val.
540.13	6% ad val.
540.14	Free
540.32	7.8% ad val.
540.37	5% ad val.
540.41	4.7% ad val.
540.43	7.5% ad val.
540.51	5.3% ad val.
540.55	7.2% ad val.
540.61	Free
540.63	4% ad val.
540.65	8.2% ad val.
540.67	10% ad val.
540.71	6.2% ad val.
541.31	0.2¢ per lb. + 0.9% ad val.
542.31	0.4¢ per lb.
542.33	0.4¢ per lb.
542.35	0.4¢ per lb.
542.37	0.7¢ per lb.
542.44	0.5¢ per lb.
542.46	0.6¢ per lb.
542.48	0.8¢ per lb.
542.57	1.4¢ per lb.
542.67	3.5¢ per lb.
542.71	0.6¢ per lb. + 2% ad val.
542.73	0.6¢ per lb. + 2% ad val.
542.75	0.6¢ per lb. + 2% ad val.
542.77	0.6¢ per lb. + 2% ad val.
542.92	0.6¢ per lb. + 2% ad val.
542.94	0.6¢ per lb. + 2% ad val.
542.96	0.6¢ per lb. + 2% ad val.
542.98	0.6¢ per lb. + 2% ad val.
543.11	3¢ per sq. ft.
543.23	2¢ per sq. ft.
543.27	1.5¢ per sq. ft.
543.31	6% ad val.
543.61	Free
543.63	1¢ per sq. ft. + 0.4% ad val.
543.67	1.5¢ per sq. ft. + 0.4% ad val.
543.69	6.3% ad val.
544.11	8.8% ad val.
544.14	6.3% ad val.
544.16	7.2% ad val.
544.18	4.9% ad val.
544.31	6.2% ad val.
544.41	5.5% ad val.
544.51	7.8% ad val.
544.61	4.4% ad val.
544.64	7.2% ad val.
545.11	3.7% ad val.
545.17	7.5% ad val.
545.21	Free
545.25	Free
545.27	Free
545.31	1.6¢ each + 8% ad val.
545.34	2.8¢ each + 8% ad val.
545.35	4¢ each + 8% ad val.
545.37	6¢ each + 8% ad val.
545.55	6.5% ad val.
545.57	6.5% ad val.
545.61	6.7% ad val.
545.63	6.5% ad val.
545.67	6.5% ad val.
545.81	2.4% ad val.
545.85	8.2% ad val.
545.87	6.6% ad val.
546.20	6% ad val.
546.21	6.5% ad val.
546.23	8% ad val.
546.25	6.6% ad val.
546.39	9% ad val.
546.47	7.8% ad val.
546.52	38% ad val.
546.64	7.2% ad val.
546.68	7.2% ad val.
547.11	4.9% ad val.
547.13	9.6% ad val.
547.15	5% ad val.
547.21	5.8% ad val.
547.31	3.7% ad val.
547.37	6.6% ad val.
547.41	4.9% ad val.
547.43	5.8% ad val.

TSUS Item No.	*Rate of duty*
547.53	5.8% ad val.
547.55	8.4% ad val.
548.01	4.7% ad val.
548.03	7.5% ad val.
548.05	6.6% ad val.
601.33	9¢ per lb. on molybdenum content
602.20	0.3¢ per lb. on zinc content
602.28	0.8¢ per lb. on copper content
603.15	30¢ per ton
603.25	0.9¢ per lb. on lead content
603.30	0.6¢ per lb.
603.40	6¢ per lb. on molybdenum content + 1.9% ad val.
603.45	10¢ per lb. on tungsten content + 4.8% ad val.
603.49	0.7¢ per lb. on copper content + 0.5¢ per lb. on lead content + 0.5¢ per lb. on zinc content
603.50	0.32¢ per lb. on copper content + 0.3¢ per lb. on lead content + 0.3¢ per lb. on zinc content
603.54	0.6¢ per lb. on copper content + 0.4¢ per lb. on lead content + 0.4¢ per lb. on zinc.content
603.55	Free
603.70	5% ad val.
605.03	8.2% ad val.
605.05	10% ad val.
605.06	6.5% ad val.
605.08	8.2% ad val.
605.27	7.5% ad val.
605.28	8.2% ad val.
605.46	7.5% ad val.
605.47	10% ad val.
605.48	6% ad val.
605.60	6.5% ad val.
605.65	6% ad val.
606.33	2.4% ad val.

TSUS Item No.	*Rate of duty*	
	Column 1–a	*Column 1–b*
612.03	1% ad val. on the value of the copper content	0.7¢ per lb. on 99.6% of the copper content
612.05	4.6% ad val.	0.7¢ per lb. on copper content + 3.5% ad val.
612.08	2.4% ad val.	0.4¢ per lb. on 99.6% of the copper content + 2% ad val.
612.10	Free	0.4¢ per lb. on 99.6% of the copper content
612.17	5.3% ad val.	0.5¢ per lb. + 3.5% ad val.
612.20	6% ad val.	0.4¢ per lb. + 5.5% ad val.
612.30	6.7% ad val.	0.4¢ per lb. + 6.5% ad val.
612.31	1% ad val.	1¢ per lb.
612.32	4.7% ad val.	0.3¢ per lb. + 4.5% ad val.
612.34	6.5% ad val.	0.4¢ per lb. + 6.5% ad val.
612.35	6.2% ad val.	0.4¢ per lb. on copper content + 6% ad val.
612.36	6.2% ad val.	0.4¢ per lb. + 6% ad val.
612.38	6.7% ad val.	0.4¢ per lb. + 6.5% ad val.
612.39	1.9% ad val.	
612.40	6.7% ad val.	0.4¢ per lb. + 6% ad val.
612.41	6.3% ad val.	0.4¢ per lb. + 6% ad val.
612.43	6.7% ad val.	0.4¢ per lb. + 6.5% ad val.
612.45	5.1% ad val.	0.5¢ per lb. + 5% ad val.
612.50	6.3% ad val.	0.4¢ per lb. + 6% ad val.
612.52	5.2% ad val.	0.5¢ per lb. + 4.5% ad val.
612.55	3% ad val.	4.5¢ per lb.
612.56	5.4% ad val.	0.5¢ per lb. + 5% ad val.
612.60	1% ad val.	1¢ per lb.
612.61	7.3% ad val.	0.5¢ per lb. on copper content + 7% ad val.
612.62	2.2% ad val.	0.8¢ per lb. on copper content + 0.8¢ per lb.
612.63	6.2% ad val.	0.4¢ per lb. + 6% ad val.
612.64	1.6% ad val.	
612.70	7.3% ad val.	0.5¢ per lb. on copper content + 7.2% ad val.
612.71	7.4% ad val.	0.5¢ per lb. on copper content + 0.02¢ per lb. + 7% ad val.
612.72	4% ad val.	0.6¢ per lb. on copper content + 3.5% ad val.
612.73	4.4% ad val.	0.7¢ per lb. on copper content + 0.03¢ per lb. + 4% ad val.
612.80	6.3% ad val.	0.4¢ per lb. + 6% ad val.
612.81	3.2% ad val.	0.8¢ per lb. on copper content + 2¢ per lb.
612.82	5.2% ad val.	0.5¢ per lb. + 4.5% ad val.
613.02	1.5% ad val.	1.4¢ per lb.
613.03	2.1% ad val.	2.7¢ per lb.

TSUS Item No.	*Rate of duty*	
	Column 1–a	*Column 1–b*
613.04	5% ad val.	0.3¢ per lb. + 5% ad val.
613.06	6.2% ad val.	0.4¢ per lb. + 6% ad val.
613.08	5.1% ad val.	0.5¢ per lb. + 4.5% ad val.
613.11	0.6¢ per lb. on copper content + 2.3¢ per lb.	0.8¢ per lb. on copper content + 2.3¢ per lb.
613.12	4.5% ad val.	0.4¢ per lb. + 4.5% ad val.
613.18	3.2% ad val.	0.3¢ per lb. + 3% ad val.

TSUS Item No.	*Rate of duty*
618.01	2.6% ad val.
618.02	Free
618.04	2.1% ad val.
618.06	Free
618.15	2.6% ad val.
618.17	5% ad val.
618.20	4.2% ad val.
618.22	4.2% ad val.
618.29	6.5% ad val.
618.42	5.7% ad val.
618.47	5.7% ad val.
620.06	6% ad val.
620.10	3.5% ad val.
620.12	4.7% ad val.
620.16	5.5% ad val.
620.20	3.7% ad val.
620.22	4.7% ad val.
620.26	5.5% ad val.
620.30	Free
620.40	2.5% ad val.
620.42	3% ad val.
620.46	3.6% ad val.
620.50	3.7% ad val.
622.15	2.4% ad val.
622.17	4.8% ad val.
622.20	2.4% ad val.
622.22	4.2% ad val.
622.25	4.2% ad val.
622.35	4.2% ad val.
622.40	2.4% ad val.
624.04	2.3% ad val. on the value of the lead content
624.10	2.7% ad val.
624.14	3.9% ad val.
624.16	6.5% ad val.
624.18	4.2% ad val.
624.20	3.9% ad val.
624.22	2.5% ad val.
624.24	3.9% ad val.
624.32	6.3% ad val.
624.34	6.2% ad val.
624.50	2% ad val.
624.52	4.2% ad val.
624.54	3.9% ad val.
626.02	1.5% ad val.
626.10	2.1% ad val.
626.15	5.7% ad val.
626.18	4.2% ad val.
626.20	5.7% ad val.
626.24	6.5% ad val.
626.30	4.2% ad val.
626.31	4.2% ad val.
626.35	5.7% ad val.
626.45	3.8% ad val.
628.15	3.7% ad val.
628.17	4.9% ad val.
628.20	5.5% ad val.
628.25	3.7% ad val.
628.30	5.5% ad val.
628.35	Free
628.45	Free
628.50	3.6% ad val.
628.55	8% ad val.
628.57	6.5% ad val.

TSUS Item No.	*Rate of duty*
628.59	4.5¢ per lb. on magnesium content + 2.5% ad val.
628.70	6% ad val.
628.72	6.3¢ per lb. on molybdenum content + 1.9% ad val.
628.74	6.6% ad val.
628.90	3.7% ad val.
628.95	5.5% ad val.
629.05	3.7% ad val.
629.07	4.9% ad val.
629.10	5.5% ad val.
629.12	7.2% ad val.
629.25	4.9% ad val.
629.26	4.2% ad val.
629.32	4.7% ad val.
629.35	6.5% ad val.
629.50	5% ad val.
629.60	4.2% ad val.
629.62	4.9% ad val.
629.65	5.5% ad val.
632.02	Free
632.04	Free
632.06	Free
632.12	3.7% ad val.
632.16	3% ad val.
632.18	3.7% ad val.
632.24	3.7% ad val.
632.28	5.6% ad val.
632.34	7.5¢ per lb.
632.38	3.7% ad val.
632.43	3.7% ad val.
632.46	3.7% ad val.
632.48	Free
632.50	Free
632.52	4.2% ad val.
632.56	3.7% ad val.
632.60	Free
632.62	5.5% ad val.
632.66	5.5% ad val.
632.68	3% ad val.
632.78	32¢ per lb.
632.79	20¢ per lb. + 2.4% ad val.
632.88	5.5% ad val.
633.00	5.5% ad val.
640.20	3% ad val.
640.25	5.7% ad val.
640.30	Free
640.35	2.6% ad val.
640.40	2.4% ad val.
642.06	4.7% ad val.
642.08	5.8% ad val.
642.09	4.9% ad val.
642.11	4.9% ad val.
642.12	3.5% ad val.
642.14	4.4% ad val.
642.16	4.9% ad val.
642.20	5.7% ad val.
642.25	10% ad val.
642.27	7.8% ad val.
642.30	10% ad val.

TSUS Item No.	*Rate of duty*
642.45	6% ad val.
642.47	6.8% ad val.
642.50	5.4% ad val.
642.52	4.9% ad val.
642.56	4% ad val.
642.58	4.5% ad val.
642.60	3.7% ad val.
642.62	4.9% ad val.
642.64	4.9% ad val.
642.66	3.9% ad val.
642.68	4% ad val.
642.70	4.6% ad val.
642.72	3.7% ad val.
642.74	7.2% ad val.
642.76	6.7% ad val.
642.78	6.6% ad val.
642.80	5.7% ad val.
642.82	3.2% ad val.
642.85	4.6% ad val.
642.87	4.7% ad val.
642.91	5.7% ad val.
644.02	1% ad val.
644.06	5.3% ad val.
644.08	9.6% ad val.
644.09	5.8% ad val.
644.11	5.6% ad val.
644.12	5.3% ad val.
644.15	7% ad val.
644.17	4.7% ad val.
644.18	3.9% ad val.
644.20	3.8% ad val.
644.22	3.6% ad val.
644.24	6% ad val.
644.26	5.7% ad val.
644.28	2.2% ad val.
644.30	5.7% ad val.
644.32	5.5% ad val.
644.36	3.3% ad val.
644.38	3.7% ad val.
644.40	Free
644.42	Free
644.52	5.2% ad val.
644.60	8.2% ad val.
644.64	2.7% ad val.
644.66	3.8% ad val.
644.80	3.7% ad val.
644.84	4.8% ad val.
644.98	1.8% ad val.
646.04	3.2% ad val.
646.17	4.9% ad val.
646.22	5.7% ad val.
646.27	3.1% ad val.
646.30	3.2% ad val.
646.34	5.1% ad val.
646.36	5.7% ad val.
646.41	4.7% ad val.
646.42	5.7% ad val.
646.45	2.6% ad val.
646.47	3.8% ad val.
646.51	6.3% ad val.
646.53	5.5% ad val.
646.57	4.7% ad val.
646.58	0.45¢ per lb.
646.60	6.2% ad val.
646.65	5.8% ad val.
646.72	5.7% ad val.
646.74	1.4% ad val.
646.75	6.3% ad val.
646.76	5.5% ad val.
646.77	5.1% ad val.
646.78	5.7% ad val.

TSUS Item No.	*Rate of duty*
646.80	2.3% ad val.
646.81	3.8% ad val.
646.82	4.6% ad val.
646.83	6.1% ad val.
646.84	4.8% ad val.
646.85	4.2% ad val.
646.86	5.3% ad val.
646.87	5.6% ad val.
646.88	12.3% ad val.
646.89	5.3% ad val.
646.90	6.2% ad val.
646.92	5.7% ad val.
646.95	3.9% ad val.
646.97	4.2% ad val.
647.01	3.1% ad val.
647.03	5.7% ad val.
647.05	5.1% ad val.
647.10	8% ad val.
648.51	3% ad val.
648.53	2.8% ad val.
648.55	3% ad val.
648.57	3% ad val.
648.61	2.8% ad val.
648.63	3% ad val.
648.67	6.2% ad val.
648.69	Free
648.71	0.8¢ each + 3.8% ad val.
648.73	2¢ each + 5.1% ad val.
648.75	1¢ each + 2.8% ad val.
648.80	12% ad val.
648.82	12% ad val.
648.85	1¢ each + 5.5% ad val.
648.89	5.7% ad val.
648.91	2¢ each + 4.4% ad val.
648.93	6% ad val.
648.95	4.2% ad val.
648.97	9% ad val.
649.01	5¢ per doz.
649.03	9¢ per doz.
649.05	12¢ per doz.
649.07	7¢ per doz.
649.11	Free
649.14	3.1% ad val.
649.17	3.1% ad val.
649.19	3.7% ad val.
649.21	8¢ per gross
649.23	7.2% ad val.
649.24	3.4% ad val.
649.25	Free
649.26	4.9% ad val.
649.27	5.7% ad val.
649.29	3.7% ad val.
649.31	3.7% ad val.
649.32	5.7% ad val.
649.35	5.5% ad val.
649.39	Free
649.41	2.5% ad val.
649.43	7.2% ad val.
649.44	8.4% ad val.
649.46	6% ad val.
649.47	6.2% ad val.
649.48	4.9% ad val.
649.49	3.7% ad val.
649.53	7% ad val.
649.57	5.3% ad val.
649.67	3.7% ad val.
649.71	10% ad val.
649.73	10% ad val.
649.75	10% ad val.
649.77	2¢ each + 5% ad val.
649.79	2.5¢ each + 5% ad val.

TSUS Item No.	*Rate of duty*
649.81	2¢ each +5% ad val.
649.83	3¢ each + 5.4% ad val.
649.85	1¢ each + 5.4% ad val.
649.87	3¢ each + 5.4% ad val.
649.89	1¢ each + 54.% ad val.
649.91	8% ad val.
650.01	0.2¢ each + 2.8% ad val.
650.03	1¢ each + 4.9% ad val.
650.05	5.5% ad val.
650.07	0.6¢ each + 4.7% ad val.
650.13	1¢ each + 4% ad val.
650.15	1¢ each + 5.7% ad val.
650.17	1¢ each + 4.6% ad val.
650.19	4.4% ad val.
650.21	0.4¢ each + 6.1% ad val.
650.31	0.3¢ each + 3.2% ad val.
650.35	5.4% ad val.
650.37	0.3¢ each + 4% ad val.
650.43	1¢ each + 4% ad val.
650.45	0.5¢ each + 3.2% ad val.
650.47	0.5¢ each + 3.2% ad val.
650.49	0.3¢ each + 4.5% ad val.
650.51	6.6% ad val.
650.53	6% ad val.
650.55	7.5% ad val.
650.57	4.4% ad val.
650.61	0.7¢ each + 4.1% ad val.
650.63	1¢ each + 5.1% ad val.
650.65	1¢ each + 4% ad val.
650.71	0.4¢ each + 1% ad val.
650.73	3.1% ad val.
650.75	0.06¢ each + 1.6% ad val.
650.77	3.4% ad val.
650.79	3¢ each + 3% ad val.
650.81	4.5¢ each + 3.2% ad val.
650.83	8% ad val.
650.85	2¢ each + 4.6% ad val.
650.87	0.35¢ each + 4.4% ad val.
650.89	2¢ each + 5.1% ad val.
650.91	10¢ each + 10% ad val.
651.01	7.6% ad val.
651.03	6.6% ad val.
651.04	5.7% ad val.
651.07	7.2% ad val.
651.09	5.8% ad val.
651.11	4% ad val.
651.13	8.1% ad val.
651.15	5% ad val.
651.21	6.2% ad val.
651.25	0.2¢ per lb.
651.27	6.2% ad val.
651.29	7.2% ad val.
651.31	6.2% ad val.
651.33	5.3% ad val.
651.37	6.2% ad val.
651.45	Free
651.47	5.3% ad val.
651.49	3.7% ad val.
651.51	4.9% ad val.
651.53	1¢ per lb. + 5% ad val.
651.55	5.3% ad val.
651.60	6.6% ad val.
651.62	8.2% ad val.
651.64	3.8% ad val.
652.03	4.2% ad val.
652.09	5.8% ad val.
652.13	6.6% ad val.
652.14	5% ad val.
652.15	4.2% ad val.
652.18	4.2% ad val.
652.21	Free
652.24	1.5% ad val.
652.27	Free
652.35	5.7% ad val.
652.36	5.1% ad val.
652.38	5.7% ad val.
652.41	Free
652.42	5.7% ad val.
652.45	1¢ per lb. + 6% ad val.
652.50	1¢ per lb. + 2.5% ad val.
652.55	8% ad val.
652.60	5.8% ad val.
652.65	4.2% ad val.
652.70	5.3% ad val.
652.72	8.2% ad val.
652.75	3.8% ad val.
652.80	3.8% ad val.
652.86	3.7% ad val.
652.88	5.7% ad val.
652.90	3.4% ad val.
652.92	2.4% ad val.
652.94	2.8% ad val.
652.95	4.2% ad val.
652.96	3.9% ad val.
652.97	5.7% ad val.
653.00	5.7% ad val.
653.01	5.7% ad val.
653.05	2¢ per lb.
653.15	Free
653.20	5.7% ad val.
653.30	3.7% ad val.
653.35	3.7% ad val.
653.37	5.7% ad val.
653.39	7.6% ad val.
653.45	5.7% ad val.
653.60	6.6% ad val.
653.62	6% ad val.
653.65	8.2% ad val.
653.70	7.5% ad val.
653.75	8.2% ad val.
653.80	4% ad val.
653.85	Free
653.90	3.1% ad val.
653.93	5.3% ad val.
653.96	3.4% ad val.
653.99	5.3% ad val.
654.01	3.4% ad val.
654.02	2.7% ad val.
654.03	3.7% ad val.
654.05	4.9% ad val.
654.07	3.9% ad val.
654.09	4% ad val.
654.11	3.8% ad val.
654.12	3.9% ad val.
654.13	5.7% ad val.
654.14	3.8% ad val.
654.15	3.1% ad val.
654.20	3.4% ad val.
656.05	8% ad val.
656.10	8.2% ad val.
656.15	6% ad val.

TSUS Item No.	*Rate of duty*
656.20	7.5% ad val.
656.25	10% ad val.
656.35	6.5% ad val.
657.10	3.1% ad val.
657.15	2.4% ad val.
657.24	3.8% ad val.
657.25	5.7% ad val.
657.30	6.3% ad val.
657.35	5% ad val.
657.40	5.7% ad val.
657.50	5.5% ad val.
657.60	4.2% ad val.
657.75	3.9% ad val.
657.80	5.7% ad val.
658.00	5.5% ad val.
660.20	3.1% ad val.
660.22	2.8% ad val.
660.42	3.7% ad val.
660.48	3.1% ad val.
660.56	Free
660.67	3.1% ad val.
660.71	3.7% ad val.
660.77	2.4% ad val.
660.80	4% ad val.
660.85	3.4% ad val.
660.92	2.5% ad val.
660.96	Free
660.97	3% ad val.
661.05	Free
661.06	4.7% ad val.
661.12	3.4% ad val.
661.15	3.7% ad val.
661.20	2.2% ad val.
661.25	3.4% ad val.
661.30	5.7% ad val.
661.35	2.9% ad val.
661.40	5.6% ad val.
661.45	Free
661.50	5.1% ad val.
661.54	Free
661.56	3.7% ad val.
661.65	4% ad val.
661.67	2.4% ad val.
661.68	4.2% ad val.
661.85	3.7% ad val.
661.90	3.9% ad val.
661.92	Free
661.95	3.9% ad val.
662.10	3.4% ad val.
662.15	4.5% ad val.
662.20	3.6% ad val.
662.26	3.7% ad val.
662.30	5.5% ad val.
662.35	5.7% ad val.
662.50	3.7% ad val.
664.06	Free
664.07	2% ad val.
664.08	2.5% ad val.
664.10	2% ad val.
666.10	4% ad val.
666.25	3.5% ad val.
668.00	Free
668.02	2% ad val.
668.04	4.7% ad val.
668.06	Free
668.07	3% ad val.
668.10	3.7% ad val.
668.15	5.1% ad val.
668.21	2.4% ad val.
668.23	3.3% ad val.
668.32	60¢ each + 8% ad val.
668.34	8% ad val.
668.36	3.7% ad val.
668.38	Free
670.00	4.7% ad val.
670.02	3.1% ad val.
670.04	4.7% ad val.
670.06	4.2% ad val.
670.12	4.7% ad val.
670.14	4.7% ad val.
670.16	4.4% ad val.
670.17	4.2% ad val.
670.18	5.1% ad val.
670.19	5.1% ad val.
670.20	4.7% ad val.
670.22	4.2% ad val.
670.23	3.7% ad val.
670.25	4.7% ad val.
670.27	4.2% ad val.
670.29	4.4% ad val.
670.33	5.1% ad val.
670.35	4.4% ad val.
670.40	2.8% ad val.
670.41	3.9% ad val.
670.42	3.9% ad val.
670.43	5.1% ad val.
670.50	4.4% ad val.
670.52	3.7% ad val.
670.54	6.6% ad val.
670.56	7% ad val.
670.60	19¢ per 1,000 + 6.4% ad val.
670.62	23¢ per 1,000 + 8.2% ad val.
670.64	21¢ per 1,000 + 5.0% ad val.
670.66	4.8% ad val.
670.68	7.8% ad val.
670.70	5.8% ad val.
670.72	4¢ per 1,000 + 5% ad val.
670.90	4.2% ad val.
672.10	Free
672.14	2.5% ad val.
672.16	3.7% ad val.
672.20	6% ad val.
672.22	6.5% ad val.
672.25	2.5% ad val.
674.10	Free
674.20	4.9% ad val.
674.30	5.8% ad val.
674.32	4.2% ad val.
674.35	4.4% ad val.
674.40	3.9% ad val.
674.42	3% ad val.
674.50	4.9% ad val.
674.52	5.8% ad val.
674.53	4.7% ad val.
674.55	3.7% ad val.
674.60	4.5% ad val.
674.70	2.5% ad val.
674.75	Free
674.80	5.7% ad val.
674.90	Free
676.07	2.2% ad val.
676.10	4.2% ad val.
676.12	Free
676.15	3.9% ad val.
676.20	3.7% ad val.
676.22	Free
676.23	4.2% ad val.
676.25	3.9% ad val.
676.30	3.7% ad val.

TSUS Item No.	Rate of duty
676.50	4% ad val.
676.52	3.9% ad val.
678.20	2.9% ad val.
678.30	3.9% ad val.
678.32	3.7% ad val.
678.35	3.9% ad val.
678.40	3.9% ad val.
678.45	4.2% ad val.
678.50	3.7% ad val.
680.05	5.7% ad val.
680.07	4.2% ad val.
680.12	3.9% ad val.
680.13	3.9% ad val.
680.14	5.6% ad val.
680.19	4.4% ad val.
680.25	3.9% ad val.
680.27	3.7% ad val.
680.30	4.9% ad val.
680.33	4.2% ad val.
680.42	4.2% ad val.
680.46	Free
680.49	2.5% ad val.
680.58	50¢ each + 7.7% ad val.
680.62	9% ad val.
680.63	5.7% ad val.
680.66	5.7% ad val.
680.68	5.7% ad val.
680.69	5.7% ad val.
680.72	5.7% ad val.
680.73	3.4% ad val.
680.76	5.7% ad val.
680.81	5.7% ad val.
680.86	3.7% ad val.
680.90	5.7% ad val.
682.05	6.6% ad val.
682.07	2.4% ad val.
682.20	10% ad val.
682.25	6.6% ad val.
682.30	4.2% ad val.
682.41	3.7% ad val.
682.45	Free
682.50	4.2% ad val.
682.52	3.7% ad val.
682.55	10% ad val.
682.60	3% ad val.
682.70	3.2% ad val.
682.80	4.9% ad val.
682.90	3.9% ad val.
682.95	5.3% ad val.
683.10	5.3% ad val.
683.15	5.1% ad val.
683.20	2.2% ad val.
683.30	3.4% ad val.
683.32	4.2% ad val.
683.40	4% ad val.
683.50	4.4% ad val.
683.60	3.1% ad val.
683.65	Free
683.70	25% ad val.
683.80	6.9% ad val.
683.90	2% ad val.
683.95	2.5% ad val.
684.10	2.2% ad val.
684.15	6.6% ad val.
684.20	5.3% ad val.
684.28	Free
684.40	3.7% ad val.
684.50	3.9% ad val.
684.64	4.7% ad val.
684.70	4.9% ad val.
685.10	4.2% ad val.
685.13	3.7% ad val.
685.19	3.7% ad val.
685.21	8% ad val.
685.24	6% ad val.
685.28	2.4% ad val.
685.33	4.4% ad val.
685.34	3.9% ad val.
685.36	3.9% ad val.
685.40	3.9% ad val.
685.42	4.9% ad val.
685.50	4.9% ad val.
685.60	4.9% ad val.
685.70	2.7% ad val.
685.90	5.3% ad val.
686.18	3.1% ad val.
686.24	4.9% ad val.
686.30	5.8% ad val.
686.40	3.1% ad val.
686.50	3.1% ad val.
686.60	3.1% ad val.
686.70	7.9% ad val.
686.80	Free
687.10	3.7% ad val.
687.20	3.9% ad val.
687.30	2% ad val.
687.42	7.2% ad val.
687.43	7.2% ad val.
687.56	4.2% ad val.
688.06	4.9% ad val.
688.10	6% ad val.
688.15	5.3% ad val.
688.25	4.2% ad val.
688.30	5.8% ad val.
688.35	5.8% ad val.
688.40	3.9% ad val.
690.05	3.9% ad val.
690.10	6.3% ad val.
690.20	3.7% ad val.
690.35	5.5% ad val.
690.40	3.9% ad val.
692.04	3.1% ad val.
692.10	2.5% ad val.
692.14	5.3% ad val.
692.16	3.7% ad val.
692.22	2.5% ad val.
692.32	3.1% ad val.
692.35	2.2% ad val.
692.40	Free
692.45	Free
692.50	3.7% ad val.
692.55	4.2% ad val.
692.60	3.2% ad val.
694.31	5% ad val.
694.50	3.7% ad val.
694.61	Free
694.65	5% ad val.
694.67	Free
694.70	6% ad val.
696.05	1.5% ad val.
696.10	1.5% ad val.
696.15	4.2% ad. val.
696.30	Free
696.35	2.4% ad. val.
696.40	4% ad val.
696.50	3.7% ad val.
696.60	3.6% ad val.
700.51	6.6% ad val.
700.54	2.4% ad val.
700.90	7.5% ad val.
702.06	8.4% ad val.

TSUS Item No.	*Rate of duty*
702.14	8% ad val.
702.15	7% ad val.
702.28	37¢ per doz. + 3.2% ad val.
702.30	50¢ per doz. + 3.8% ad val.
702.32	30¢ per doz. + 5.2% ad val.
702.37	4% ad val.
702.85	16¢ each + 3% ad val.
702.90	5.6% ad val.
702.95	7.5% ad val.
703.20	11% ad val.
703.25	9.4% ad val.
703.30	8.2% ad val.
703.35	1.10 per doz. + 1.8% ad val.
703.40	22% ad val.
703.45	26% ad val.
703.50	6.2% ad val.
703.55	$1.92 per doz. + 2.8% ad val.
703.60	6.6% ad val.
703.70	4¢ per lb. + 3.4% ad val.
703.72	2.4% ad val.
703.80	Free
703.85	Free
705.30	4% ad val.
705.40	$2.45 per doz. pairs
705.42	14% ad val.
705.43	$2 per doz. pairs
705.45	14% ad val.
705.46	14% ad val.
705.48	$2.42 per doz. pairs
705.50	14% ad val.
705.51	$2.35 per doz. pairs
705.53	14% ad val.
705.54	14% ad val.
705.55	$2.35 per doz. pairs
705.57	14% ad val.
705.58	14% ad val.
705.60	$2.40 per doz. pairs
705.63	14% ad val.
705.66	$2.40 per doz. pairs
705.67	$2.40 per doz. pairs
705.68	15% ad val.
705.70	14% ad val.
705.72	$3.75 per doz. pairs
705.73	14% ad val.
705.74	14% ad val.
705.76	$3.50 per doz. pairs
705.78	14% ad val.
705.82	3.7% ad val.
705.83	3.7% ad val.
705.90	3.7% ad val.
706.04	4.7% ad val.
706.08	5.3% ad val.
706.09	9% ad val.
706.13	8% ad val.
706.16	5.6% ad val.
706.17	16% ad val.
706.18	5.3% ad val.
706.40	8.2% ad val.
706.45	7.8% ad val.
706.50	8.8% ad val.
706.55	7.8% ad val.
708.01	5.6% ad val.
708.03	5.6% ad val.
708.05	8% ad val.
708.07	8% ad val.
708.09	8.4% ad val.
708.21	7% ad val.
708.23	6.6% ad val.
708.25	8% ad val.
708.27	8% ad val.
708.29	8.4% ad val.
708.41	9% ad val.
708.43	7.2% ad val.
708.45	7.2% ad val.
708.47	7.2% ad val.
708.51	3.4% ad val.
708.52	8% ad val.
708.58	8% ad val.
708.61	2.2% ad val.
708.63	9% ad val.
708.71	8% ad val.
708.72	8% ad val.
708.73	9% ad val.
708.75	9% ad val.
708.76	4.9% ad val.
708.78	4.4% ad val.
708.80	7.2% ad val.
708.82	6.2% ad val.
708.85	6.6% ad val.
708.87	5.87% ad val.
708.89	9% ad val.
708.91	6% ad val.
708.93	9% ad val.
709.01	9% ad val.
709.03	6.6% ad val.
709.05	10% ad val.
709.06	5.7% ad val.
709.07	6.2% ad val.
709.09	4.2% ad val.
709.10	5.7% ad val.
709.11	3.4% ad val.
709.13	8.4% ad val.
709.15	7.9% ad val.
709.17	4.2% ad val.
709.19	6.2% ad val.
709.21	5.3% ad val.
709.23	6.4% ad val.
709.25	4.7% ad val.
709.27	7.9% ad val.
709.40	4.2% ad val.
709.45	3.7% ad val.
709.50	4.2% ad val.
709.55	9% ad val.
709.56	7.2% ad val.
709.57	5.6% ad val.
709.61	2.5% ad val.
709.66	4% ad val.
710.04	6% ad val.
710.06	9% ad val.
710.08	5.6% ad val.
710.12	5.6% ad val.
710.14	3.9% ad val.
710.16	5.7% ad val.
710.20	18¢ each + 2.6% ad val.
710.21	10% ad val.
710.26	47¢ each + 7.4% ad val.
710.27	9% ad val.
710.30	3.9% ad val.
710.34	2.2% ad val.
710.36	4.4% ad val.
710.40	5.1% ad val.
710.42	5.6% ad val.
710.46	Free
710.50	4.4% ad val.
710.60	4.4% ad val.
710.61	6.2% ad val.

TSUS Item No.	*Rate of duty*
710.63	6.2% ad val.
710.65	5.8% ad val.
710.67	6.7% ad val.
710.68	6.5% ad val.
710.70	5.8% ad val.
710.72	5.3% ad val.
710.76	5.8% ad val.
710.78	3.9% ad val.
710.80	4.9% ad val.
710.86	7% ad val.
710.88	9% ad val.
710.90	10% ad val.
711.04	5.7% ad val.
711.08	6.6% ad val.
711.25	4.7% ad val.
711.30	6.4% ad val.
711.31	17% ad val.
711.32	6.4% ad val.
711.36	4.7% ad val.
711.40	10% ad val.
711.42	4.2% ad val.
711.45	5.6% ad val.
711.47	2.8% ad val.
711.49	4.6% ad val.
711.55	3.9% ad val.
711.60	3% ad val.
711.67	4.7% ad val.
711.75	40¢ each + 7.6% ad val.
711.77	9% ad val.
711.78	4.7% ad val.
711.86	10% ad val.
711.88	6.2% ad val.
711.90	15% ad val.
711.93	17% ad val.
711.96	Free
712.05	10% ad val.
712.10	4.8% ad val.
712.12	10% ad val.
712.15	4.7% ad val.
712.20	4.9% ad val.
712.25	40¢ each + 7.6% ad val.
712.27	9% ad val.
712.49	4.9% ad val.
713.05	30¢ each + 6.4% ad val.
713.07	45¢ each + 6.4% ad val.
713.09	45¢ each + 4.4% ad val.
713.11	45¢ each + 7% ad val.
713.15	9% ad val.
713.17	45¢ each + 7% ad val.
713.19	9% ad val.
715.20	34¢ each + 5% ad val. + 2¢ for each jewel, if any
715.25	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.27	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.29	15¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.31	30¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.33	45¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.40	36¢ each + 5.2% ad val. + 2¢ for each jewel, if any
715.45	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.47	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.49	15¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.51	30¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.53	45¢ each + 7% ad val. + 2.5¢ for each jewel, if any
715.60	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.62	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.64	15¢ each + 4% ad val. + 2.5¢ for each jewel, if any
715.66	30¢ each + 4% ad val. + 2.5¢ for each jewel, if any
715.68	45¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
716.06	$2.15 each
716.10	30¢ each
716.18	36¢ each
716.20	72¢ each
716.27	72¢ each
716.28	72¢ each
716.29	72¢ each
716.41	72¢ each + 4¢ for each jewel over 7
716.42	72¢ each + 4¢ for each jewel over 7
716.43	72¢ each + 4¢ for each jewel over 7
716.44	72¢ each + 4¢ for each jewel over 7
719.—	Column 1 base rate + 35¢ each if self-winding + 35¢ for each adjustment
720.02	30¢ each
720.04	53¢ each + 5.5¢ for each jewel over 7
720.06	60¢ each
720.08	85¢ each + 5.5¢ for each jewel over 7
720.10	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.12	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.14	15¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.16	30¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.18	45¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.20	15¢ each + 6% ad val.
720.21	6% ad val.
720.22	6% ad val.
720.24	6¢ each + 6% ad val.
720.25	4¢ each + 6% ad val.
720.26	6% ad val.

TSUS Item No.	*Rate of duty*
720.28	4¢ each + 8.5% ad val.
720.29	2¢ each + 8.5% ad val.
720.30	8.1% ad val.
720.32	7.4% ad val.
720.33	4% ad val.
720.34	6.9% ad val.
720.36	6% ad val.
720.40	0.5¢ each + 9% ad val.
720.42	6.6% ad val.
720.44	10% ad val.
720.60	Free
720.70	7¢ each assembly
720.75	9% ad val.
720.80	The column 1 rate specified in item 720.67 for the plate or plates + 5¢ for each jewel (if any) + 1¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.
720.82	The column 1 rate specified in item 720.67 for the plate or plates + 2.5¢ for each jewel (if any) + 0.5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.
720.84	13% ad val. + 5¢ for each jewel (if any) + 0.6¢ for each other piece or part
720.86	6.4% ad val. + 2.5¢ for each jewel (if any) + 0.3¢ for each other piece or part
720.90	11% ad val.
720.92	10% ad val.
720.94	6.4% ad val.
721.05	9% ad val.
721.10	2.4% ad val.
721.12	4.4% ad val.
722.02	4.5% ad val.
722.04	4.5% ad val.
722.10	5% ad val.
722.12	4% ad val.
722.14	6.8% ad val.
722.16	3% ad val.
722.18	4.9% ad val.
722.30	5% ad val.
722.32	4.9% ad val.
722.34	5.8% ad val.
722.42	2.2% ad val.
722.44	7% ad val.
722.46	7% ad val.
722.50	7% ad val.
722.42	7.8% ad val.
722.56	4.7% ad val.
722.60	5.7% ad val.
722.64	5.6% ad val.
722.70	4% ad val.
722.72	3.9% ad val.
722.75	3.4% ad val.
722.78	5% ad val.
722.80	5.7% ad val.
722.82	3.8% ad val.
722.83	3.1% ad val.
722.85	6.9% ad val.
722.86	2.2% ad val.
722.88	5¢ per lb. + 4.5% ad val.
722.90	3.8% ad val.
722.92	3.8% ad val.
722.94	3.7% ad val.
722.96	3.7% ad val.
723.05	3.7% ad val.
723.10	Free
723.15	3.7% ad val.
723.20	3% ad val.
723.25	4.9% ad val.
723.30	3.7% ad val.
723.32	3.1% ad val.
723.35	2.8% ad val.
724.10	Free
724.12	0.2¢ per lin. ft.
724.20	0.2¢ per lin. ft.
724.25	3.7% ad val.
724.35	0.2¢ per lin. ft.
724.45	4.2% ad val.
725.01	5.3% ad val.
725.03	5.3% ad val.
725.04	4.9% ad val.
725.05	6.8% ad val.
725.07	13% ad val.
725.08	7% ad val.
725.10	Free
725.12	5.3% ad val.
725.14	4.7% ad val.
725.16	5.1% ad val.
725.18	4.7% ad val.
725.20	12% ad val.
725.22	5.8% ad val.
725.24	4.9% ad val.
725.26	3.4% ad val.
725.30	Free
725.32	5.3% ad val.
725.34	3.7% ad val.
725.36	2.8% ad val.
725.38	Free.
725.40	5.3% ad val.
725.46	6.8% ad val.
725.47	6.8% ad val.
725.50	3.2% ad val.
725.52	5.3% ad val.
726.10	4.7% ad val.
726.15	4.2% ad val.
726.20	8.2% ad val.
726.25	5.7% ad val.
726.40	4.7% ad val.
726.45	10¢ per 1000 pins + 3.5% ad val.
726.50	4% ad val.
726.52	4.4% ad val.
726.55	6.6% ad val.
726.60	4.2% ad val.
726.62	3.2% ad val.
726.63	4% ad val.
726.65	5% ad val.
726.70	4.9% ad val.
726.75	3.2% ad val.
726.85	5.3% ad val.
726.90	5.3% ad val.
727.02	3.9% ad val.
727.04	5.3% ad val.

TSUS Item No.	*Rate of duty*
727.06	3.1% ad val.
727.15	6.6% ad val.
727.23	5.3% ad val.
727.25	5.3% ad val.
727.27	3.4% ad val.
727.29	5.3% ad val.
727.35	2.5% ad val.
727.45	7% ad val.
727.47	6% ad val.
727.50	2.4% ad val.
727.52	4.2% ad val.
727.55	4% ad val.
727.60	6% ad val.
728.15	3.7% ad val.
728.20	Free
730.05	5.3% ad val.
730.15	40¢ each + 11% ad val.
730.17	27¢ each + 6% ad val.
730.19	27¢ each + 6% ad val.
730.23	8.1% ad val.
730.25	9.1% ad val.
730.27	6.3% ad val.
730.29	7.5% ad val.
730.31	4.7% ad val.
730.37	10% ad val.
730.39	8.4% ad val.
730.41	5.3% ad val.
730.43	3.3% ad val.
730.45	5.1% ad val.
730.51	6.9% ad val.
730.53	6.9% ad val.
730.55	6.9% ad val.
730.57	5.4% ad val.
730.59	5.4% ad val.
730.61	8.4% ad val.
730.63	7% ad val.
730.65	32¢ each + 4% ad val.
730.67	3.6% ad val.
730.71	2.8% ad val.
730.74	2.3% ad val.
730.75	2.4% ad val.
730.77	5.4% ad val.
730.80	8.4% ad val.
730.81	3.4% ad val.
730.85	7.8% ad val.
730.86	3.4% ad val.
730.88	5.7% ad val.
730.90	5% ad val.
730.91	4.2% ad val.
730.92	3.2% ad val.
730.93	3.6% ad val.
731.05	5% ad val.
731.06	6% ad val.
731.10	5% ad val.
731.15	7.6% ad val.
731.20	9.2% ad val.
731.22	30¢ each
731.24	4.9% ad val.
731.26	5.4% ad val.
731.30	7% ad val.
731.40	5.8% ad val.
731.42	4.4% ad val.
731.44	5.4% ad val.
731.50	5% ad val.
731.65	9% ad val.
731.70	9% ad val.
732.04	45¢ each
732.10	60¢ each
732.16	65¢ each
732.21	7.2% ad val.

TSUS Item No.	*Rate of duty*
732.30	7.2% ad val.
732.32	36¢ each
732.34	4.9% ad val.
732.35	6% ad val.
732.36	6% ad val.
732.41	6% ad val.
732.43	7.8% ad val.
732.50	Free
732.52	3.6% ad val.
732.60	4.9% ad val.
732.62	2.4% ad val.
734.05	6.2% ad val.
734.15	5.8% ad val.
734.20	3.9% ad val.
734.25	0.6¢ per pack + 0.6% ad val.
734.30	5.1% ad val.
734.32	5.8% ad val.
734.34	5.1% ad val.
734.40	5.1% ad val.
734.45	3.4% ad val.
734.48	5.0% ad val.
734.51	5.0% ad val.
734.56	3% ad val.
734.60	3.2% ad val.
734.70	Free
734.71	3.1% ad val.
734.72	4.9% ad val.
734.75	2.4% ad val.
734.77	4.9% ad val.
734.80	Free
734.85	4.2% ad val.
734.86	3.9% ad val.
734.88	3.1% ad val.
734.90	Free
734.91	5.6% ad val.
734.93	2% ad val.
734.95	Free
735.01	3.5% ad val.
735.02	5.1% ad val.
735.04	3.5% ad val.
735.06	5.5% ad val.
735.09	6% ad val.
735.10	7.6% ad val.
735.11	6.9% ad val.
735.12	4.9% ad val.
735.15	Free
735.17	Free
735.18	Free
735.20	5.8% ad val.
737.07	5.1% ad val.
737.09	5.7% ad val.
737.15	7.6% ad val.
737.21	8% ad val.
737.22	12% ad val.
737.25	11.2% ad val.
737.30	5.5% ad val.
737.35	4.2% ad val.
737.40	7% ad val.
737.45	5.8% ad val.
737.50	8.8% ad val.
737.55	6% ad val.
737.60	6.4% ad val.
737.65	5.8% ad val.
737.70	4% ad val.
737.80	8.8% ad val.
737.85	7.8% ad val.
737.95	7% ad val.
740.10	6.5% ad val.
740.30	7.2% ad val.
740.34	14% ad val.

TSUS Item No.	*Rate of duty*
740.35	14% ad val.
740.38	11% ad val.
740.50	4.9% ad val.
740.55	7.8% ad val.
740.60	5.8% ad val.
740.70	7% ad val.
740.75	8% ad val.
740.80	11% ad val.
741.10	8% ad val.
741.20	4% ad val.
741.35	2.8% ad val.
741.40	8% ad val.
741.50	6.6% ad val.
745.04	3.6% ad val.
745.08	3.7% ad val.
745.10	11% ad val.
745.20	0.35¢ per line per gross + 5% ad val.
745.25	4.9% ad val.
745.28	5.5% ad val.
745.30	5.3% ad val.
745.32	0.4¢ per line per gross + 6.4% ad val.
745.34	5.7% ad val.
745.30	11.4% ad val.
745.45	5.7% ad val.
745.50	10% ad val.
745.52	8.2% ad val.
745.54	5.1% ad val.
745.56	9% ad val.
745.58	3.4% ad val.
745.60	1¢ per lb. (including weight of cards, cartons, and immediate wrappings and labels) + 5.8% ad val.
745.65	6.9% ad val.
745.66	6.5% ad val.
745.67	11% ad val.
745.68	5.3% ad val.
745.70	15% ad val.
745.72	15% ad val.
745.74	23% ad val.
748.05	2¢ per lb. + 3.6% ad val.
748.15	7% ad val.
748.20	8.4% ad val.
748.21	17% ad val.
750.05	0.1¢ each + 2% ad val.
750.10	7.8% ad val.
750.15	0.2¢ each + 4.6% ad val.
750.20	5.3% ad val.
750.22	11% ad val.
750.26	8% ad val.
750.29	8% ad val.
750.32	10% ad val.
750.35	2.8% ad val.
750.40	0.2¢ each + 3.4% ad val.
750.45	0.2¢ each + 7% ad val.
750.47	0.3¢ each + 3.6% ad val.
750.55	0.3¢ each
750.60	3.1% ad val.
750.65	4% ad val.
750.70	5.6% ad val.
750.75	5.6% ad val.
750.80	7.5% ad val.
751.05	8.2% ad val.
751.10	5% ad val.
751.11	5.8% ad val.
751.15	4.8% ad val.
751.20	12% ad val.
751.25	7.5% ad val.
755.05	Free
755.10	Free
755.15	5¢ per lb., including the weight of all coverings, packing materials, and wrappings
755.20	7.5% ad val.
755.25	5.8% ad val.
755.35	22¢ per lb. + 2.6% ad val.
755.45	0.1¢ each + 0.025¢ each for each 0.5 gram of explosive over 1.5 grams per cap
755.50	36¢ per 1,000 feet
756.02	7.2% ad val.
756.04	10% ad val.
756.06	9% ad val.
756.10	4.8% ad val.
756.15	10% ad val.
756.21	1¢ each + 16% ad val.
756.23	0.5¢ each + 8% ad val.
756.25	0.5¢ each + 4% ad val.
756.35	0.5¢ each + 6.4% ad val.
756.40	7% ad val.
756.45	0.5¢ each + 3% ad val.
756.50	7.8% ad val.
756.55	0.2¢ each + 3% ad val.
756.60	3.7% ad val.
760.05	0.8¢ each + 5.4% ad val.
760.10	6.6% ad val.
760.12	3.4% ad val.
760.15	8% ad val.
760.20	4.9% ad val.
760.30	5.8% ad val.
760.32	Free
760.34	40¢ per 1000 + 7% ad val.
760.36	0.8¢ each + 5.4% ad val.
760.38	3.8% ad val.
760.40	0.9¢ each + 6.1% ad val.
760.42	3.8% ad val.
760.45	Free
760.48	14¢ per gross + 4.3% ad val.
760.50	0.8¢ per gross
760.52	Free
760.56	5.1% ad val.
760.58	5.5¢ per gross + 3.4% ad val.
760.65	Free
766.30	A duty of 6.6% ad val. in addition to any other duty imposed on such article under these schedules
770.70	4.2% ad val.
770.80	6.6% ad val.
772.40	3.1% ad val.
772.45	Free
772.54	Free
772.60	3.7% ad val.
772.65	3.1% ad val.
772.95	5% ad val.
772.97	5.3% ad val.

TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
773.20	10.5% ad val.	791.17	7.4% ad val.
773.25	3.5% ad val.	791.19	3.4% ad val.
773.30	3.7% ad val.	791.30	3.7% ad val.
773.35	4.2% ad val.	791.35	3.7% ad val.
774.20	6% ad val.	791.45	2.5% ad val.
774.25	4.2% ad val.	791.48	4.2% ad val.
790.00	6.4% ad val.	791.50	Free
790.03	5.7% ad val.	791.54	2.8% ad val.
790.10	2.4% ad val.	791.57	2.8% ad val.
790.15	2.8% ad val.	791.60	5.3% ad val.
790.30	4.2% ad val.	791.65	5.8% ad val.
790.37	2.4% ad val.	791.70	4.7% ad val.
790.40	Free	791.80	5.6% ad val.
790.50	6.6% ad val.	791.90	Free
790.59	9% ad val.	792.10	4.2% ad val.
790.60	9% ad val.	792.22	7.7% ad val.
790.61	8.7% ad val.	792.30	4% ad val.
790.62	8.7% ad val.	792.32	2.5% ad val.
790.63	9% ad val.	792.40	Free
790.70	2.8% ad val.	792.50	3.4% ad val.
791.05	7.4% ad val.	792.60	4.2% ad val.
791.10	5.3% ad val.	792.75	4.7% ad val.
791.15	5.8% ad val.	799.00	3.7% ad val.

(2) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1981:

TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
124.25	2.1% ad val.	531.01	0.16¢ per lb.
146.90	Free	534.31	2.1% ad val.
156.25	Free	644.48	38.5¢ for each 1,140 sq. ft.
390.14	2.1% ad val.	651.23	2.1% ad val.
390.16	2.1% ad val.	652.06	2.1% ad val.
417.50	Free	652.30	Free
420.14	1.5¢ per lb.	652.33	Free
420.78	0.03¢ per lb.	709.63	2.1% ad val.
473.32	0.04¢ per lb.	730.73	2.1% ad val.
494.60	2.1% ad val.	741.06	2.1% ad val.
514.61	2.1% ad val.	741.15	2.1% ad val.
520.39	2.1% ad val.		

(3) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1982:

TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
206.85	4.2% ad val.	305.20	3% ad val.
245.00	3% ad val.	305.22	4.4% ad val.
245.10	3% ad val.	305.26	4% ad val.
245.20	3% ad val.	305.30	5% ad val.
245.30	6% ad val.	305.50	5.8% ad val.
274.85	1.8% ad val.	306.14	4¢ per lb.
304.22	0.3¢ per lb.	306.24	5¢ per lb.
304.26	3.1% ad val.	306.41	5¢ per clean lb.
304.34	0.6¢ per lb.	306.42	5¢ per clean lb.
304.36	Free	306.43	5¢ per clean lb.
304.44	Free	306.44	7¢ per lb.
304.52	3.1% ad val.	306.53	1.5¢ per clean lb.
304.56	Free	306.54	2¢ per lb.
305.04	3.1% ad val.	306.61	3.5¢ per clean lb.
305.06	6.0% ad val.	306.62	3.5¢ per clean lb.
305.08	4.2% ad val.	306.63	4¢ per clean lb.
305.09	6% ad val.	306.64	5.5¢ per lb.
305.10	6% ad val.	306.71	4.5¢ per clean lb.
305.12	3.1% ad val.	306.72	4.5¢ per clean lb.
305.14	7.8% ad val.	306.73	5¢ per clean lb.
305.16	4.2% ad val.	306.74	0.5¢ per lb.
305.18	5.1% ad val.	306.81	7¢ per clean lb.

TSUS Item No.	*Rate of duty*
306.82	7¢ per clean lb.
306.83	7¢ per clean lb.
306.84	9¢ per lb.
307.02	2¢ per lb.
307.04	3¢ per lb.
307.06	2.5¢ per lb.
307.08	3¢ per lb.
307.10	5.5¢ per lb.
307.12	2.5¢ per lb.
307.16	2¢ per lb.
307.18	2¢ per lb.
308.60	5% ad val.
309.02	8¢ per lb.
309.03	10% ad val.
309.05	6¢ per lb.
309.06	7.8% ad val.
309.10	7.5% ad val.
309.20	5¢ per lb.
309.21	6.6% ad val.
309.25	7.5% ad val.
309.30	6¢ per lb.
309.31	10% ad val.
309.35	5¢ per lb. + 6% ad val.
309.43	4.9% ad val.
309.50	5.5¢ per lb. + 7% ad val.
309.60	4.2% ad val.
309.65	2.5¢ per lb.
309.66	2.1% ad val.
309.70	6% ad val.
309.75	4.9% ad val.
309.80	8% ad val.
309.90	6.5% ad val.
312.10	3.7% ad val.
312.30	2.5% ad val.
312.40	5.3% ad val.
315.25	7.2% ad val.
315.30	4.9% ad val.
315.40	7% ad val.
315.45	7% ad val.
315.55	0.8¢ per lb.
315.75	7% ad val.
315.80	4% ad val.
315.85	5% ad val.
315.90	4.2% ad val.
315.95	5.2% ad val.
316.05	6% ad val.
316.10	6% ad val.
316.20	6% ad val.
316.25	6% ad val.
316.30	2.5% ad val.
316.70	5.3% ad val.
319.01	6% ad val.
319.03	6% ad val.
319.05	6% ad val.
319.07	6% ad val.
335.70	3% ad val.
335.75	3% ad val.
335.85	3% ad val.
335.95	3% ad val.
339.10	5.3% ad val.
345.60	5.3% ad val.
346.65	5.3% ad val.
346.80	4.2% ad val.
346.86	5.3% ad val.
346.95	5.3% ad val.
347.20	4.7% ad val.
347.28	5.6% ad val.
347.30	5.6% ad val.
347.35	4.7% ad val.
347.45	5.3% ad val.
347.50	3% ad val.
347.72	4.2% ad val.
347.75	5.3% ad val.
351.44	18% ad val.
355.04	8% ad val.
355.20	6.9% ad val.
355.42	6.2% ad val.
355.55	3.9% ad val.
355.65	5.3% ad val.
355.70	14% ad val.
355.75	6.9% ad val.
355.81	4.2% ad val.
355.85	5.3% ad val.
356.05	5.4% ad val.
356.10	3.7% ad val.
356.15	6.6% ad val.
356.20	4.7% ad val.
356.25	4.7% ad val.
356.30	16% ad val.
356.35	6.9% ad val.
356.40	8% ad val.
356.45	5.3% ad val.
356.70	8.2% ad val.
356.80	3.7% ad val.
357.30	7.2% ad val.
357.40	6% ad val.
357.90	4.5% ad val.
357.95	6.5% ad val.
358.24	5.8% ad val.
358.26	7% ad val.
358.40	6.9% ad val.
358.50	7.5% ad val.
358.60	5.8% ad val.
359.20	4.4% ad val.
359.40	5.4% ad val.
359.60	3.4% ad val.
360.35	2¢ per sq. ft.
360.36	3.5% ad val.
360.77	5% ad val.
360.79	5% ad val.
360.82	7.6% ad val.
360.84	7.6% ad val.
361.21	5.1% ad val.
361.53	4.7% ad val.
361.85	3.4% ad val.
363.02	7.2% ad val.
363.35	3.1% ad val.
363.60	5.4% ad val.
363.90	5.3% ad val.
364.09	7.2% ad val.
364.14	7.2% ad val.
364.18	7.2% ad val.
364.25	6.9% ad val.
364.35	5.3% ad val.
365.05	14% ad val.
365.14	14% ad val.
365.15	5.7% ad val.
365.25	16% ad val.
365.29	16% ad val.
365.80	12.8% ad val.
365.81	12.8% ad val.
365.83	12.8% ad val.
365.84	12.8% ad val.
365.91	12.8% ad val.
366.12	2.4% ad val.
366.30	8% ad val.
366.33	8% ad val.
366.36	3.1% ad val.
366.39	4.4% ad val.
366.48	3.7% ad val.

TSUS Item No.	*Rate of duty*
366.51	4.4% ad val.
366.54	3.7% ad val.
366.72	4.2% ad val.
366.81	3.7% ad val.
366.84	2.5% ad val.
367.35	5.8% ad val.
367.40	5.3% ad val.
367.45	5.4% ad val.
367.65	3.4% ad val.
385.15	5.1% ad val.
385.50	0.1¢ per lb. + 2.5% ad val.
385.63	6.9% ad val.
385.90	4% ad val.
385.95	2¢ per sq. ft.
386.09	10% ad val.
386.10	7.8% ad val.
386.20	14% ad val.
386.25	7% ad val.
386.30	11.2% ad val.
386.40	7.8% ad val.
387.10	6.6% ad val.
387.20	2.4% ad val.
387.32	4.4% ad val.
387.34	4.4% ad val.
389.10	5.8% ad val.
389.20	5.3% ad val.
389.30	6.9% ad val.
389.40	12.5% ad val.
389.50	11% ad val.
389.61	9% ad val.
389.70	5.8% ad val.
425.74	6% ad val.
429.70	7.2% ad val.
429.85	6% ad val.
430.20	3.7% ad val., but not less than the highest rate applicable to any component compound
520.75	6% ad val.
522.71	1.8% ad val.
532.24	19% ad val.
532.27	20% ad val.
606.22	3.1% ad val.
606.26	2.3% ad val.
606.30	1.5% ad val.
606.31	4.5% ad val.
606.37	1.5% ad val.
606.40	5.8% ad val.
606.44	3.9% ad val.
606.46	3.7% ad val.
606.48	5.6% ad val.
606.50	4.2% ad val.
606.51	4.2% ad val.
606.57	Free
606.59	Free
606.62	4% ad val.
606.67	4.2% ad val.
606.69	5.1% ad val. + additional duties
606.71	4.2% ad val.
606.73	4% ad val. + additional duties
606.75	2% ad val.
606.77	2.3% ad val. + additional duties
606.79	4.9% ad val.
606.81	5.7% ad val. + additional duties
606.83	4.7% ad val.
606.86	3.2% ad val.
606.88	7.5% ad val.
606.91	6% ad val. + additional duties
606.93	6% ad val. + additional duties
606.97	6% ad val. + additional duties
606.99	7.5% ad val. + additional duties
607.05	5.% ad val.
607.07	4.9% ad val.
607.09	5.7% ad val. + additional duties
607.17	1.9% ad val.
607.22	5.8% ad val.
607.32	2% ad val. + additional duties
607.41	4.5% ad val. + additional duties
607.46	4.1% ad val. + additional duties
607.59	4.5% ad val. + additional duties
607.62	5.5% ad val.
607.64	3.2% ad val.
607.66	6% ad val.
607.67	4.9% ad val.
607.69	3.8% ad val. + additional duties
607.78	3.8% ad val. + additional duties
607.83	5.1% ad val.
607.86	4% ad val. + additional duties
607.91	5.8% ad val. + additional duties
607.92	5.8% ad val. + additional duties
607.93	4% ad val. + additional duties
607.94	6.5% ad val.
607.97	5.1% ad val.
607.99	3.5% ad val.
608.01	4% ad val.
608.07	5.5% ad val.
608.11	5.4% ad val.
608.13	6.5% ad val.
608.14	6.2% ad val. + additional duties
608.19	2.4% ad val.
608.21	3.4% ad val.
608.23	5.7% ad val.
608.26	5.1% ad val. + additional duties
608.31	5.1% ad val. + additional duties
608.38	5.1% ad val. + additional duties
608.39	7% ad val. + additional duties
608.47	6% ad val. + additional duties
608.55	6% ad val. + additional duties
608.59	6.3% ad val. + additional duties
608.67	6.3% ad val. + additional duties
609.14	5.1% ad val.
609.15	5.8% ad val. + additional duties
609.17	5.7% ad val.
609.20	4.2% ad val.
609.21	3.2% ad val.

TSUS Item No.	*Rate of duty*
609.22	5.1% ad val.
609.25	4.2% ad val.
609.28	5.2% ad val.
609.30	3.2% ad val. + additional duties
609.33	5.8% ad val. + additional duties
609.35	5.2% ad val. + additional duties
609.36	5.9% ad val. + additional duties
609.37	6% ad val. + additional duties
609.40	5.3% ad val.
609.43	5.3% ad val.
609.45	9% ad val. + additional duties
609.70	5.5% ad val.
609.72	5.6% ad val.
609.75	6.2% ad val. + additional duties
609.76	6.2% ad val. + additional duties
609.82	2% ad val. + additional duties
609.84	4.4% ad val.
609.86	5.3.% ad val. + additional duties
609.88	4.9% ad val.
609.90	5.7% ad val. + additional duties
609.98	1.6% ad val. + additional duties
610.21	3.5% ad val. + additional duties
610.26	3.1% ad val. + additional duties
610.30	4.5% ad val.
610.31	2.6% ad val.
610.35	3.7% ad val. + additional duties
610.36	3.5% ad val. + additional duties
610.40	3.3% ad val. + additional duties
610.42	6% ad val.
610.43	6.2% ad val. + additional duties
610.45	6.2% ad val.
610.46	6.7% ad val. + additional duties
610.48	6.2% ad val.
610.49	8% ad val.
610.51	7.5% ad val. + additional duties
610.52	7.5% ad val. + additional duties
610.56	4% ad val.
610.58	6.5% ad val. + additional duties
610.62	5.8% ad val.
610.63	6.5% ad val. + additional duties
610.65	2.5% ad val.
610.66	3.7% ad val. + additional duties
610.70	5.1% ad val.
610.71	5.8% ad val. + additional duties
610.74	6.2% ad val.
610.80	6.2% ad val.
626.22	5.7% ad val.
629.14	15% ad val.
629.20	15% ad val.
629.28	10.5% ad val.
629.29	6% ad val.
629.30	6.6% ad val.
629.33	6.6% ad val.
642.97	5.3% ad val.
653.25	5.7% ad val.
662.18	1.3% ad val.
670.58	10% ad val.
680.17	8% ad val.
704.34	20% ad val.
704.75	6.5% ad val.
704.80	7.5% ad val.
704.95	4% ad val.
706.47	7.8% ad val.
722.40	7% ad val.
722.55	9% ad val.
727.40	5.3% ad val.
728.05	4.2% ad val.
728.10	4.2% ad val.
732.42	10% ad val.
734.42	3.8% ad val.
745.61	11% ad val.
745.62	11% ad val.
748.10	5.1% ad val.
748.12	2.4% ad val.
755.30	6.9% ad val.
772.30	5% ad val.
790.23	Free

(4) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1983:

TSUS Item No.	*Rate of duty*
176.45	0.7¢ per lb.
176.46	Free
176.47	7.5% ad val.
178.15	9% ad val.

(5) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date (published in the **Federal Register**) no more than 30 days after the date on which the Special Representative has determined that the Philippines provide satisfactory supply access assurances for rattan:

TSUS Item No.	*Rate of duty*
727.10	7.5% ad val.

(6) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date (published in the **Federal Register**) not more than 30 days after the date on which the Special Representative has determined that satisfactory progress has been made toward the development of a common North American standard for softwood plywood:

TSUS Item No.	*Rate of duty*
240.21	8% ad val.

(7) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date (published in the **Federal Register** by the Special Representative) on which the import relief action under section 203 of the Trade Act of 1974 with respect to footwear, initiated by Presidential Proclamation 4510 of June 22, 1977, has terminated:

TSUS Item No.	*Rate of duty*	*TSUS Item No.*	*Rate of duty*
774.50	5.3% ad val.	791.27	3.7% ad val.
791.20	2.8% ad val.		

(8) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date (published in the Federal Register by the Special Representative) on which the import relief actions under section 203 of the Trade Act of 1974 with respect to color television receivers and certain subassemblies thereof, initiated by Presidential Proclamations 4511 and 4634 of June 24, 1977, and January 26, 1979, respectively, have terminated.

TSUS Item No.	*Rate of duty*	*TSUS Item No.*	*Rate of duty*
685.16	3.7% ad val.	685.18	3.7% ad val.

(9) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date (published in the Federal Register) not more than 30 days after the date on which the Special Representative has determined that other major countries provide adequate entity coverage under the Agreement on Government Procurement, entered into on April 12, 1979:

TSUS Item No.	*Rate of duty*	*TSUS Item No.*	*Rate of duty*
660.10	4.4% ad val.	660.59	Free
660.15	4.7% ad val.	660.62	3.7% ad val.
660.25	3.1% ad val.	660.74	8% ad val.
660.30	4.9% ad val.	660.76	4.9% ad val.
660.35	3.4% ad val.	684.62	5.3% ad val.

(10) Effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date (published in the Federal Register by the Special Representative) of the implementation by Canada of the concession rate of 1 cent per pound on Canadian tariff item 501–1:

TSUS Item No.	*Rate of duty*	*TSUS Item No.*	*Rate of duty*
100.40	1¢ per lb.	100.53	1¢ per lb.
100.43	1¢ per lb.	100.55	1¢ per lb.

Section C. The Tariff Schedules of the United States (TSUS) are modified as follows:

(1) A column entitled "LDDC" is inserted between Rate of Duty columns numbered 1 and 2 on each page of schedules 1 through 7 of the TSUS. The rates of duty specified in Section B of this Annex shall be placed in the column entitled "LDDC" on the effective date indicated in Section B opposite the TSUS item number of each article which has been designated as an eligible article for full tariff reduction without staging;

(2) General headnote 3 is modified by inserting "and the column designated LDDC" after "columns numbered 1 and 2";

(3) General headnote 3(g) is deleted;

(4) General headnotes 3(d), (e), and (f) are redesignated as 3(e), (f), and (g), respectively.

(5) General headnote 3(e) (as redesignated herein) is modified by deleting "(d)(ii)" and inserting "(e)(ii)" in lieu thereof;

(6) A new general headnote 3(d) is added as follows:

"(d) *Products of Least Developed Developing Countries.*

(i) The following countries are designated least developed developing countries (LDDC's), and, subject to the restrictions of subparagraph (ii), products of such countries imported into the customs territory of the United States, whether imported directly or indirectly, and which are entered under TSUS item numbers for which rates of duty appear in the column entitled "LDDC" of the schedules, are eligible for full tariff reductions without staging in accordance with Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251):

Afghanistan
Bangladesh
Benin
Bhutan
Botswana
Burundi
Cape Verde
Central African Republic
Chad
Comoros
Ethiopia
Gambia
Guinea
Haiti
Lesotho
Malawi
Maldives
Mali
Nepal
Niger
Rwanda
Somalia
Sudan
Tanzania
Upper Volta
Western Samoa
Yemen (Sana)

(ii) Imported articles, the products of least developed developing countries as designated in subparagraph (i) above, provided for under the TSUS items for which rates of duty appear in the column entitled "LDDC" of the schedules are subject to those rates of duty rather than the rates of duty provided for in column numbered 1, except that articles subject to temporary modifications under any provisions of the Appendix to these schedules shall be subject to the rates of duty set forth therein. If no rate of duty is provided in the "LDDC" column for a particular item, the rate of duty provided in column numbered 1 shall apply.".

Proclamation 4708 of December 11, 1979

Import Limitations on Certain Cheese and Chocolate Crumb

By the President of the United States of America

A Proclamation

Import limitations have been imposed on certain dairy products, including certain cheese and chocolate crumb, pursuant to the provisions of Section 22 of the Agricultural Adjustment Act, as amended, 7 U.S.C. 624, (Section 22). Those limitations are set forth in Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS).

Sections 701 and 703 of the Trade Agreements Act of 1979, P.L. 96–39 (The Act), require that the President proclaim a) limitations on the quantity of types of cheese specified therein which may enter the United States in any calendar year after 1979 to an annual aggregate quantity of not more than 111,000 metric tons and b) increases in a specified manner, of the quantity of chocolate crumb now subject to certain import quotas which may be entered in any calendar year after 1979. Such limitations and increases are required to become effective on January 1, 1980.

Ante, p. 268, 272.

It is provided in Sections 701 and 703 of the Act that such proclamation shall be considered a proclamation issued under Section 22 and which meets the requirements of such section.

The Act also approved bilateral agreements entered into during the Multilateral Trade Negotiations (MTN) by the United States and certain foreign countries with respect to the quantity of cheese and chocolate crumb subject to such limitations that may be imported from such countries. These agreements contained the provision that "the United States agrees to take all necessary measures to permit the maximum utilization of the Quotas."

On the basis of the information submitted to me, I find and declare that the import limitations hereinafter proclaimed with respect to cheese and chocolate crumb are in accord with the requirements of Sections 701 and 703 of the Act and the bilateral agreements approved by such Act which were entered into by the United States and certain foreign countries with respect to the quantity of cheese and chocolate crumb subject to such limitations that may be imported from such countries.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of Section 22 of the Agricultural Adjustment Act of 1933, as amended, the Tariff Classification Act of 1962, the Trade Act of 1974, the Trade Agreements Act of 1979, and the bilateral agreements relating to cheese and chocolate crumb approved by the Trade Agreements Act of 1979, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended, effective January 1, 1980, as set fourth in the Annex to this proclamation.

19 USC prec. 1202.
19 USC 2101.
Ante, p. 144.

19 USC 1202.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of December, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

ANNEX

1. Headnote 3(a) to part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

"3. (a) *Dairy products.—*

(i) Imported articles subject to the import quotas provided for in items 950.01 through 950.11, except 950.06, may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture, and only in accordance with the terms of such license; except that no such license shall be required for up to 1,837,351 pounds per quota year of natural Cheddar cheese, the product of Canada, made from unpasteurized milk and aged not less than 9 months, which prior to exportation has been certified to meet such requirements by an official of the Canadian government. Such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in the equitable distribution of the respective quotas for such articles among importers or users and facilitate the utilization of the quotas by the supplying countries, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned.

(ii) Under item 950.08A not more than 10,367,988 pounds of the annual quota quantity shall be products other than natural Cheddar cheese made from unpasteurized milk and aged not less than 9 months.

(iii) Notwithstanding any other provision of this part, if the Secretary of Agriculture determines that a quantity specified in the column entitled "Quota Quantity" opposite the name of any country is not likely to be entered from such country within any calendar year, he may provide with respect to such article for the adjustment for that calendar year, within the aggregate quantity of such article permitted to be entered from all countries during such calendar year, of the quantities of such article which may be entered during such year from the countries specified as countries of origin for such article. The Secretary of Agriculture shall notify the Secretary of the Treasury of such adjustment and, with respect to country of origin adjustments for any article for which a license is not required, file notice thereof with the *Federal Register*. With respect to articles for which a license is not required, such adjustment shall become effective 3 days after the date of publication in the *Federal Register*.

(iv) For the purposes of this part, the term *"soft ripened cow's milk cheese"* means cheese which—

(1) has a prominent crust formed on the exterior surface as a result of curing or ripening by biological curing agents such as molds, yeasts, or other microorganisms,

(2) visibly cures or ripens from the surface toward the center,

(3) has a fat content by weight (on a moisture-free basis) of not less than 50 percent, and

(4) has a moisture content (calculated by weight of the non-fatty matter) of not less than 65 percent, but does not include cheese with mold distributed throughout its interior."

1. Items 950.07 through 950.16 are amended to read as follows:

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in Kilograms)
	[Whenever . . . :]		
	[Cheeses . . . :]		
" 950.07	Blue-mold cheese (except Stilton produced in the United Kingdom) and cheese and substitutes for cheese containing, or processed from, blue-mold cheese (provided for in item 117.00, 117.05, 117.75, or 117.88):		
	European Economic Community	5,465,203	2,479,000
	Argentina	4,409	2,000
	Other	2	1
950.08A	Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese (provided for in item 117.15, 117.20, 117.75, or 117.88):		
	European Economic Community	579,809	263,000
	Australia	2,645,520	1,200,000
	New Zealand	6,834,260	3,100,000
	Canada	1,837,351	833,417
	Other	308,399	139,889
950.08B	American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese (provided for in item 117.75, 117.81, or 117.88):		
	European Economic Community	559,968	254,000
	Australia	2,204,600	1,000,000
	New Zealand	4,409,200	2,000,000
	Other	371,598	168,556
	[Whenever . . . :]		
	[Cheeses . . . :]		
950.09A	Edam and Gouda cheeses (provided for in item 117.25):		
	European Economic Community	8,842,650	4,011,000
	Sweden	90,388	41,000
	Argentina	275,575	125,000
	Other	2	1
950.09B	Cheese and substitutes for cheese containing, or processed from, Edam and Gouda cheese (provided for in item 117.25, 117.75, or 117.88):		
	European Economic Community	2,727,090	1,237,000
	Norway	368,168	167,000
	Other	55,999	25,401
950.10	Italian-type cheeses, made from cow's milk, in original loaves (Romano, made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz) (provided for in item 117.44 or 117.55):		
	European Economic Community	3,886,709	1,763,000
	Argentina	8,487,710	3,850,000
	Other	2	1
950.10A	Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya) and cheese and substitutes for		

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in Kilograms)
	cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (provided for in item 117.42, 117.44, 117.55, 117.75, 117.86, or 117.88):		
	European Economic Community	103,616	47,000
	Argentina	1,417,557	643,000
	Other	28,798	13,063
	[Whenever . . . :]		
	[Cheeses . . . :]		
950.10B	Swiss or Emmenthaler cheese with eye formation (provided for in item 117.60):		
	European Economic Community	13,227,600	6,000,000
	Austria	13,844,868	6,280,000
	Finland	18,077,720	8,200,000
	Norway	15,174,261	6,883,000
	Switzerland	7,561,778	3,430,000
	Israel	59,524	27,000
	Australia	1,102,300	500,000
	Canada	154,322	70,000
	Iceland	661,380	300,000
	Argentina	176,368	80,000
	Other	187,999	85,276
950.10C	Swiss or Emmenthaler cheese other than with eye formation, Gruyere-process cheese, and cheese and substitutes for cheese containing, or processed from, such cheeses (provided for in item 117.60, 117.75, or 117.88):		
	European Economic Community	7,716,100	3,500,000
	Austria	2,028,232	920,000
	Finland	2,204,600	1,000,000
	Switzerland	3,196,670	1,450,000
	Portugal	275,575	125,000
	Other	175,999	79,833
950.10D	Cheeses and substitutes for cheese provided for in item 117.75 or 117.88 (except cheese not containing cow's milk and soft ripened cow's milk cheese, cheese (except cottage cheese) containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provided for in this part):		
	European Economic community	44,092,000	20,000,000
	Finland	2,865,980	1,300,000
	Iceland	712,086	323,000
	Norway	330,690	150,000
	Poland	2,063,999	936,224
	Sweden	2,334,671	1,059,000
	Switzerland	3,571,452	1,620,000
	New Zealand	24,960,481	11,322,000
	Canada	2,515,448	1,141,000
	[Whenever . . . :]		
	[Cheeses . . . :]		
	[Cheeses . . . :]		
	Portugal	1,005,297	456,000
	Austria	1,432,990	650,000
	Israel	1,483,695, (no more than 352,736	673,000, (no more than 160,000

TSUS Item	Article	Quota Quantity (in pounds)	Metric Equivalent (in Kilograms)
		of which shall contain more than 3 percent by weight of butter-fat)	of which shall contain more than 3 percent by weight of butter-fat)
	Argentina	220,460	100,000
	Australia	2,314,830	1,050,000
	Other	287,997	130,635
950.10E	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, provided for in item 117.75 or 117.88 (except articles within the scope of other import quotas provided for in this part):		
	European Economic Community	8,818,400	4,000,000
	Poland	385,599	174,907
	Australia	551,150	250,000
	New Zealand	2,204,000	1,000,000
	Sweden	551,150	250,000
	Israel	110,230	50,000
	Other	2	1
	[Whenever . . . :]		
950.11	Malted milk, and articles of milk or cream (provided for in item 118.30)	6,000	2,721
950.15	Chocolate provided for in item 156.30 containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection):		
	Ireland	9,450,000	4,286,491
	United Kingdom	7,450,000	3,379,297
	Netherlands	100,000	45,359
	Australia	4,409,200	2,000,000
	New Zealand	2	1
	Other	None	None
950.16	Chocolate provided for in item 156.30 and articles containing chocolate provided for in item 182.99, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection):		
	United Kingdom	930,000	421,845
	Ireland	3,750,000	1,700,988
	New Zealand	2	1
	Other	None	None".

Proclamation 4709 of December 16, 1979

National Unity Day, 1979

By the President of the United States of America

A Proclamation

Fifty American citizens are being held hostage in Iran by a mob and a government that have become one and the same. The United States has made it clear to the leaders of Iran that we hold them personally and fully responsible for the well-being and safe return of every American in their hands.

The people of the United States are unanimous in their concern for their fellow citizens held in Iran. Americans have shown this concern in numerous ways that are consistent with our country's respect for law—the ringing of church bells, letters to the Iranian Mission at the United Nations, and messages to the hostages themselves.

A most fitting symbol of this concern is the American flag itself. We respect our flag because we know that it stands for freedom. It stands for justice. It stands for human dignity. It stands too for our united determination to uphold these great ideals.

Ante, p. 1087.

To demonstrate support for the hostages in Iran, the Congress has, by joint resolution, designated December 18, 1979, as "National Unity Day." It has requested the President of the United States to call upon all citizens and organizations to observe that day by prominently displaying the American flag.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate December 18, 1979, as National Unity Day. I direct the appropriate officials of the Government to display the flag on all Government buildings during that day. I urge all Americans to observe National Unity Day, December 18, 1979, by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord nineteen hundred seventy-nine, and of the independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4710 of January 1, 1980

Earth Day, 1980

By the President of the United States of America

A Proclamation

42 USC 4321 note.

Ten years ago, the United States turned over a new—and greener—leaf. On the first day of the new decade, the National Environmental Policy Act became the law of the land. This law is one of our Nation's fundamental charters: it is a pledge from each generation to the next to protect and enhance the quality of the environment.

Through the National Environmental Policy Act which created the Council on Environmental Quality, the Nation affirmed the fundamental importance of the environment to our well-being. Our environment shapes our lives in endless ways: it can be dangerous or it can be safe; it can produce a bounty to sustain us or it can be laid bare; it can frustrate our relationships with nature and with other people or it can provide opportunities for seeking peace and harmony.

As the United States enjoyed the advanced technology, mobility, and material prosperity of the postwar period, we seemed to take for granted the resources on which our prosperity was built. By the beginning of the last decade, the damage to our environment had become a clear threat to the Nation's general welfare. Citizens and legislators alike awakened to the challenge.

On April 22, 1970, not long after NEPA became law, the Nation experienced one of the most remarkable "happenings" of recent times. Millions of people across America celebrated the first Earth Day by participating in teach-ins, cleanups, bill signings, and scores of other activities to demonstrate their concern for the environment and to learn more about nature, ecology, and broader environmental concerns. Earth Day 1970 was a watershed in citizen understanding of environmental issues.

In marking the anniversaries of the National Environmental Policy Act and of Earth Day, let us rededicate ourselves to our great goal—freeing the people of this earth from disease, pollution, and the spread of toxic chemicals; from the lack of basic necessities; and from the destruction of our common natural and cultural heritage. Let us rededicate ourselves to the creation and maintenance of safe and healthy surroundings, to the wise husbanding of the natural resources that are a pillar of our well-being, and to the protection of free-flowing streams, majestic mountain forests, and diverse cityscapes pulsing with life.

We have now begun to make a serious investment in the quality of the environment at home and abroad. The earth is a fragile asset. The return on wise investments in our environment will be reaped not only by ourselves, but by generations of our descendants. We must achieve another decade of environmental progress.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Tuesday, April 22, 1980, as Earth Day. I call upon all citizens and government officials to observe this day with appropriate ceremonies and activities. I ask that special attention be given to community activities and educational efforts directed to protecting and enhancing our lifegiving environment. On this tenth anniversary, as we enter a second decade of environmental progress, I further urge all of the people of the United States to dedicate themselves anew to attaining the Nation's environmental goals, as expressed in the National Environmental Policy Act. 42 USC 4321 note.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of January, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

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